

**CHAPTER 7 — CASE RECORDS INFORMATION**  
**ARTICLE 1 — UNIFORM CASE RECORDS SYSTEMS**

*Revised January 7, 1993*

**71010.1 Policy**

PC 2081.5 requires that the Director shall keep complete case records of all prisoners under custody of the Department, which records shall be made available to the BPT at such times and in such form as the BPT may prescribe.

Case records shall include all information received from the courts, probation officers, sheriffs, police departments, DAs, State DOJ, FBI, and any other interested agencies and persons.

Case records shall also include a record of diagnostic findings, considerations, actions, and dispositions with respect to classification, treatment, employment, training, and discipline as related to the facility correctional program of each prisoner.

**71010.2 Purpose**

This Section defines the authority for and the implementation of the Department's Uniform Case Records System.

**71010.3 Administration of Case Records System**

The Chief, Correctional Case Records Services, plans, develops, and administers the Department's Uniform Case Records System.

**71010.3.1 Case Records Administrator Duties**

Correctional Case Records Administrators (CCRA) provide direct technical support to the CCRM within the administrator's assigned facilities and parole regions.

**71010.3.2 Case Records Staff Duties**

CCRM, supervisors, and specialists perform a variety of activities in the receiving, maintaining, interpretation, and disposition of inmate, resident, parolee, and releasee records in a records unit of a facility, parole region, or headquarters.

**71010.4 Responsibility of Case Records Staff**

Interpret court commitment orders; initiate criminal identification process; analyze inmate legal status to determine crime and sentence with applicable enhancements, aggravations, limitations, and good behavior credits; compute parole and discharge dates; direct preparation of legal forms for transfer, extradition, parole, and discharge of persons under the jurisdiction of the Department.

Analyze and act for the Department on subpoenas and collateral court orders, certify departmental records required by law, review individual case actions of various term-fixing and release-granting authorities to assure legal and policy compliance.

Direct the preparation of paroling authority calendar schedules, minutes, and implementation of their decisions.

Act as consultant to departmental staff, court officers, inmates, and other governmental agencies or authorized persons regarding:

- Departmental responsibility under pertinent laws and administrative standards.
- Interpretation and application of laws and standards related to inmate receipt, sentencing, paroling, and release.

**71010.5 Signing of Documents**

Pursuant to the provisions of PC 5055, persons in the below-listed positions are authorized to sign, on behalf of the Director, the documents as indicated:

Certification of criminal records pursuant to PC 969(b).

Letters authorizing transfer to another jurisdiction under court decision In re Stoliker (49 Cal. 2d 75,78) and In re Riddle (3 Crim 4056,66).

- Chief, Correctional Case Records Services.
- CCRAs.
- CCRMs.
- Correctional Case Records Supervisors (CCRS).
- Correctional Case Records Specialists (CRS).

Certification of criminal records pursuant to PC 969(b).

Letters authorizing transfer to another jurisdiction under court decision In re Stoliker (49 Cal. 2d 75,78) and In re Riddle (3 Crim 4056, 66).

- Wardens.
- RPAs.

Letters designating other states or federal facilities as the place of confinement for California prisoners in accordance with PC 2900(2)(3).

- Chief, Correctional Case Records Services.
- CCRA.
- Region I Interstate Unit:
  - CCRM.
  - CCRS.
  - CRS.

**71010.6 Written Communications to CCRMs**

Written communication shall be directed to the Warden or RPA from the respective Deputy Director for action. Copies shall be distributed simultaneously to the affected CCRM in order to expedite dissemination of information.

**71010.6.1 Telephonic Communications**

Direct telephone communication shall be maintained between the Chief, Correctional Case Records Services, and the CCRM on technical matters related to case records functions.

#### **71010.6.2 Follow-Up Procedures**

Any telephonic instructions that deviate from established procedures shall be followed up by written communications.

#### **71010.7 Uniformity**

Variations in the methods of recording vital information regarding inmates/parolees shall not occur.

Differences of opinions between facilities or parole regions concerning methods of recording shall be brought to the attention of the CCRA for resolution.

Facility and PAs shall suggest methods for resolution of problems.

The final decision on all such issues shall be made by the Chief, Correctional Case Records Services.

CCRAs and CSRs shall check all files reviewed to ensure that the material in such files is in the order specified and that a reasonable effort is being made to bring about uniformity.

Employees reviewing the records shall consult with the proper facility/PA concerning the contents of the case file, attempt to assist the local facility/parole region in solving any problems relating to these files with a view to their proper organization, and to report uncorrected variations to the Director by the Chief, Correctional Case Records Services.

#### **71010.8 File Definitions**

The following sections shall define and describe some of the different files used by case records:

##### **71010.8.1 C-File**

The master file maintained by the Department containing reports, evaluations, and correspondence regarding each person committed to its jurisdiction is commonly referred to as the C-File.

##### **71010.8.2 Auxiliary File**

Auxiliary files maintained by the indicated sections of the facility for the specific function of those sections:

- Education File.
- Health Record.
  - Medical File.
  - Psychiatric File.
  - Dental Record.
- Visiting File.

##### **71010.8.3 Field File**

The file maintained by the assigned Parole Agent in the unit parole office.

##### **71010.8.4 Discharge Files**

Files maintained after a person has been discharged from supervision and jurisdiction of the Department.

##### **71010.9 Accuracy**

The CCRM of a CRU is responsible for the accuracy and content of the legal portion of the C-File as it relates to the sentence, parole, and release date calculations.

Assigned counselors, Parole Agents, and supervisory staff responsible for generating evaluations and reports, including work time cards and chronos, are responsible for the validity and accuracy of information contained in such reports.

If an error causes an inmate, resident, parolee, or releasee to be released from a facility or the jurisdiction of the Department prior to or later than the correct release date, a complete report with appropriate recommendation to eliminate such incidents shall be submitted through the local chain of command to the Warden. The Warden or RPA shall submit the report to the Chief, Correctional Case Records Services.

##### **71010.10 Priorities**

Establishment of priorities for case records is a departmental function.

The Chief, Correctional Case Records Services, shall determine the needs of the departmental case records system and assign the appropriate priorities.

When local available resources are inadequate to accomplish all assigned case records functions and any omission of certain duties may have an impact upon other facility or parole region functions or programs, the Chief, Correctional Case Records Services, shall determine the needs of the departmental case records system and assign appropriate priorities.

Local variations shall occur only with the knowledge and approval of the local Warden, RPA, and the Chief, Correctional Case Records Services, and may be permitted only on a temporary basis.

##### **71010.11 File Security**

Only personnel as outlined in the DOM 13030.3.1 shall read, handle, transport, or have access to an inmate/resident/parolee's C-File or copies of its contents.

Except in an emergency, all C-Files are to be housed in or returned to the case records office at the close of business each work day and as soon as possible after an emergency.

Under no circumstance will files be taken off State property without the express permission of the Warden, RPA, their designee, and/or the Chief, Correctional Case Records Services.

All C-Files removed from the case records office shall be kept in a secure environment under supervision of personnel authorized to handle such materials.

Inmate/residents are not to have access to any file or file material other than copies of file material in their own file.

Inmates shall not have access to any file or documents classified as confidential.

##### **71010.11.1 Inmate Access to Files**

Inmates, parolees, residents, or releasees shall not be assigned to handle or transport C-Files, except under direct supervision and escort.

Files are to be contained in a secure container, and control procedures shall guarantee the safe transportation of files.

Inmates/residents shall not be assigned in case records offices or in any area where there is ready access to case files or material except that when they are under constant and direct supervision.

Appropriately classified and assigned inmates may be permitted in case records offices to perform such duties as building maintenance or janitorial services.

#### **71010.11.2 Release of Files to Other Agencies**

Inmate records shall not be released to any agency, except the office of the Attorney General, or person outside the Department without a court order.

In response to a court order, the inmate record(s) shall be transported by and remain under the control of a delegated departmental employee as designated by the Warden or RPA.

C-Files may be transferred with the approval of the local administrator between offices of the Department to facilitate response to a court order or to an office of the Attorney General for their review. In these instances, the file(s) shall be returned to the sending office at the earliest possible time.

Any requests not covered above shall be referred by the local CCRM to the Chief, Correctional Case Records Services, for approval.

#### **71010.12 Location of Records–Inmates/Residents**

All files of inmate/residents are maintained at the facility of confinement except:

- Felons sentenced pursuant to the W&I 1731.5(c) and housed in a CYA facility are maintained in the LPU.
- The files of felons serving a California term and housed in another state or federal prison are maintained in the Sacramento Control Office Unit, Region I (also known as SACCO).

#### **71010.12.1 Location of Records–Parolees/Releasees/Community Correctional Facilities**

All files of parolees and Community Correctional Facilities (CCF) inmates are maintained in the regional parole office.

All files of releasees are maintained at the California Rehabilitation Center.

#### **71010.13 Case Record Audits**

The Department's policy regarding accuracy and content of the legal portion of the C-File prompts thorough audits at various times during a person's incarceration and parole. CCRMs shall ensure that audits are completed:

- Upon arrival after transfer to a facility, CCF, or parole unit.
- Prior to transfer to another facility or CCF. (Time Collection, Hold/Want/Detainer records only.)
- 60 days prior to a scheduled release date.
- 10 days prior to a scheduled release date.
- At other times as determined by the CCRM.

#### **71010.13.1 Audit Special Interest Cases**

In addition to the audits listed above, the records of high notoriety or other special cases shall be audited every 30 days during the last nine months of incarceration.

#### **71010.13.2 Criteria**

Audits shall include, but are not limited to, the following:

- Receipt of all appropriate legal documents from the court.
  - Abstract of Judgment or Minute Order as the commitment document.
  - Transcript of Proceedings at Time of Sentencing.
  - PORs and Notices.
- Proper recording of goodtime/worktime credit documentation including computer entries of time cards/chronos, credit gains, losses, restorations, and dead time. (Computer entry of time cards/chronos is sufficient documentation.)
- Audit of time cards shall only be from the date of last worktime credit gain.
- Postings on CDC Form 112, Chronological Inmate History, to ensure that they are correct and accurately reflect the status of the inmate/parolee.

#### **71010.13.3 Audit Check Sheet**

The Audit Check Sheet shall be used by case records staff whenever an audit is being performed. It is a checklist of various factors that must be reviewed while completing case records audits.

The checklist indicates that the auditor has reviewed, calculated, and posted the records and the records properly reflect the correct status of the inmate/parolee at the time of the audit.

- The checklists shall be filed on top of the legal section of the C-File and retained until the parole region has completed its intake audit or the subject has been discharged from the facility.
- In some instances, more than one staff person may be involved in the total audit; e.g., pulling, posting, and refiling the CDC Form 144, Control Card, after a credit loss. If a clerical employee does this function, they shall initial the checklist at the applicable lines.
- Use of the checklist will enhance the credibility of prior audits by other case records offices and thereby eliminate the redundancy of auditing the complete records when completing the various audits.
- When a file has been previously audited by case records staff and a checklist completed and initialed as required, only new case-factor material needs to be reviewed at subsequent audits.
- At the time of the 60-day prerelease and final audits, all case factors shall be reviewed.
- The CCRM shall ensure that the C-Files are cross-audited by a CRS, other than the person having primary responsibility for the case.
- The CDC Form 112 shall be posted following each audit as follows: (date) file audited, (initials of auditor).

#### **71010.14 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

#### **71010.15 References**

PC §§ 969(b), 2081.5, 2900(2)(3), 5055.

W&I § 1731.5(c).

In re Stoliker (49 Cal. 2d 75, 78).

In re Riddle (3 Crim 4056, 66).

DOM § 13030.

CCR (15) (2) (3) (5).

## ARTICLE 2 — CASE RECORDS SERVICE UNIT

*Revised August 21, 1992*

### **71020.1 Policy**

Uniform CRUs are established which have statewide operational responsibility.

### **71020.2 Purpose**

This section sets forth the procedures of the CRUs which have statewide functions and application.

### **71020.3 Case Records Service Units**

The Identification/Warrants (ID) Unit, Archives Unit, Sacramento Control Office (SACCO), and the LPU are departmental records units. These units provide centralized services to departmental staff, other law enforcement agencies, and interested persons on the status of persons committed to the Department.

### **71020.4 Identification/Warrants Unit Hours of Operation**

The unit operates 24 hours a day, seven days a week.

#### **71020.4.1 Identification/Warrants Unit Supervision**

Indirectly supervised by a correctional case records administrator.

Directly supervised by an Office Services Supervisor II.

#### **71020.4.2 Functions of Identification/Warrants Unit**

The functions of the ID/Warrants Unit include:

- Locator.
- Identification number/research.
- Warrant dispatch.

#### **71020.4.3 Duties of Identification/Warrants Unit Staff**

Staff assigned to the unit:

- Locate the region of a parolee's supervision.
- Identify inmate's assigned facility housing.
- Provide commitment data to law enforcement and other authorized agencies with a need to know.
- Provide information on persons discharged from the Department since 1957.
- Place holds pursuant to PC 3056 and/or W&I 3151 for the P&CSD.
- Conduct file searches and issue new identification numbers for newly received felons and civil addicts committed to the Department.
- Respond to telephone inquiries that require nonconfidential information concerning felons/civil addicts.
- Aid facilities and parole regions in identifying and locating inmates/parolees when the identification number is unknown.
- Maintain the Department's warrants register.
- Maintain the FAX services for the Department and the BPT .
- Act as headquarters' duty officer. Receive facility duty officer reports by telefax service.
- Dispatch BPT and NAEA warrants issued on parolees-at-large, releasees-at-large, and facility escapes. Warrants shall be abstracted by FAX upon request.
- Microfilm and maintain the file of confidential material on discharge cases.

#### **71020.4.4 Resources Available to Determine Status of Individuals**

The below-listed resources are available to unit staff to identify, locate, and determine the status of individuals:

- OBIS.
- DDPS.
- Microfiche commitments 1976 to current.
- Microfilm commitments prior to 1976.
- Warrants register.
- CLETS.

#### **71020.4.5 Procedures for Issuing Departmental Numbers**

All departmental identification numbers shall be issued by the ID Unit.

- All identification numbers shall be issued in numerical order.
- Receiving facilities shall telephone the unit for assignment of a CDC identification number.
- To facilitate processing the volume of persons received at reception centers, the ID/Warrants Unit shall issue blocks of numbers.
- In exceptional cases, inmates may be received at a facility other than a reception center. In those instances in which an inmate is received after normal working hours, the facility shall hold the person without a CDC number until the morning of the first workday. On the first workday, a CDC number shall be obtained.

#### **71020.4.6 Confirmation of Numbers Issued**

OBIS shall forward a printout of all facility admits at the close of "moves" each day.

The printout shall include:

- CDC number.

- Full name.
- Date of birth.
- Old CDC numbers (if known).
- CI&I number (if known).

Upon receipt of this printout, ID Warrants Unit staff shall research all the available resources to determine whether or not the person has previously been committed to the Department.

Due to the possible effect on the classification and housing of the new inmate, this research shall be given a high priority.

ID Warrants Unit staff shall promptly advise facility case records staff of the results of the research for old CDC numbers.

#### **71020.4.7 Types of Departmental Numbers**

An "H" shall prefix all numbers issued to male felons. When all "H" numbers have been issued, a "J" shall prefix all numbers issued to male felons.

A "W" shall prefix all numbers for female felons.

An "N" shall prefix all numbers issued to civil addicts.

- Numbers 1 to 19999 shall be reserved for female civil addicts.
- Numbers 20000 to 99999 shall be reserved for male civil addicts.

#### **71020.5 Archives Unit Location**

The Archives Unit is a departmental function located at CMF.

##### **71020.5.1 Archives Unit Supervision**

Directly supervised by a Correctional Case Records Supervisor.

Indirectly supervised by the CCRM at CMF.

Functionally supervised by a Correctional Case Records Administrator.

##### **71020.5.2 Functions of Archives Unit**

Discharge file section:

- Receive and account for case records of discharged inmates delivered to the unit.
- Audit incoming files for completeness and documentation of administrative and release board actions on the CDC Form 112, Chronological Inmate History.

Document request and certification section:

- Process requests for documents authorized pursuant to the IPA. See CC 1798 for further details.
- Process requests for proof of prior convictions for inmates/residents discharged from the Department. See PC 969(b).

##### **71020.5.3 Requests for Information From Archives Unit**

Requests for information, documents, or certifications shall indicate:

- Name.
- CDC number.
- Date of discharge as records are filed in date order.

##### **71020.5.4 Microfiche of Records Going to Archives Unit**

The complete case record of all persons discharged shall be microfiche at the assigned parole region prior to transfer to the Archives Unit. See DOM 71020.5.6 and 71020.5.7 for exceptions.

##### **71020.5.5 Transferring Records to Archives Unit**

All records and documents forwarded to the unit shall be identified by name, number, and discharge date on the CDC Form 134, Records Transfer Checksheet.

##### **71020.5.6 Archives File Retention**

Health records. Retain in hard copy for seven years after discharge, then destroy (CCR (22) 70751[c]).

Fingerprint cards and photographs. Retain in hard copy for 30 years, then destroy.

All other remaining case records retain in microfiche 30 years, then destroy.

##### **71020.5.7 Records Transfer Exceptions**

Discharge cases that need to be retained in hard copy one year and then processed as in DOM 71020.5.6, include:

- Out-to-court discharges.
- Prisoners from other agencies.
- Prisoners from the federal prison system or a federal agency.
- DMH patients received pursuant to W&I 7301.
- Prisoners from other states received pursuant to PC 2902 or 11190.
- Safekeeping cases pursuant to PC 4007.

Hard-copy files of "N" number residents not amenable for treatment shall be retained at the facility/region for six months after discharge and then processed as above.

Hard-copy files of discharged diagnostic study "Z" cases shall be retained in reception centers six months and then forwarded to the Archives Unit where they shall be retained an additional two and one-half years.

Hard-copy files of discharged public interest cases shall be transferred to the Archives Unit and retained for 30 years prior to referral to the State Archives.

##### **71020.5.8 Procedures for Disposing of the Records of a Deceased/Discharged Individual**

Records of the deceased shall be handled according to the following:

- Retain in the facility or parole region for six months or until conclusion of any litigation.
- Forward files to the Archives Unit where they shall be retained intact for three years from the date of death or conclusion of any litigation, whichever is later.
- The CCRM shall determine the status of the litigation prior to transfer.

#### **71020.5.9 Procedures for Reviewing a Discharged Individual's Records**

Requests for review of discharge records originating outside the Department shall be submitted to the supervisor of the Archives Unit for processing.

Discharge records shall be forwarded to the CCRM of the facility or parole region nearest the requester's office for subsequent review.

Case records requested by the AG's Office shall be forwarded directly to the requesting deputy.

Case records shall be returned to the Archives Unit as soon as possible after the records have been reviewed.

The supervisor of the Archives Unit shall maintain a listing indicating:

- Name.
- CDC number.
- Discharge date.
- Name of requester.
- Location where file forwarded.
- Date file forwarded.
- Date file returned.

The supervisor of the Archives Unit shall follow up every 30 days to ensure that all records are returned to the unit.

#### **71020.6 Sacramento Control Office**

The SACCO Unit is located at Region I headquarters.

##### **71020.6.1 Supervision of Sacramento Control Office**

The SACCO Unit is directly supervised by a Correctional Case Records Supervisor.

Indirectly supervised by a Case Records Manager.

Functionally supervised by a Correctional Case Records Administrator.

##### **71020.6.2 Sacramento Control Office Functions**

Functions of the SACCO Unit include:

- Recording commitments and tracking inmates serving terms in other jurisdictions, including:
  - Escapees from the Department who have been convicted and received by another jurisdiction.
  - Consecutive cases.
  - Concurrent cases.
  - In Re Stoliker cases.
  - Western Interstate Corrections' Compact cases.
- Verify and document work history on inmates eligible for the work incentive program.
- Make arrangements to have inmates returned to the Department to complete their term when the other jurisdiction makes them available.

#### **71020.7 Supervision of LPU**

Directly supervised by a CCRM.

Indirectly supervised by the Chief, Correctional Case Records Services.

##### **71020.7.1 LPU Functions**

Manually process inmate legal status for all cases with life commitments, zero to one-year and one-day commitments, and other indeterminate terms.

Process commitment and legal status for persons committed pursuant to PC 1170 (a)(2) (excessive credit).

Review legal documents and computerized legal status of cases with sentence discrepancies and communicate with the court for resolution.

##### **71020.7.2 Responsibility of LPU for Cases Housed in CYA**

The LPU functions as a reception center and facility case records office for those cases sentenced to State prison pursuant to W&I1731.5(c), but housed in a CYA facility.

LPU staff shall communicate with CYA staff and coordinate the maintenance of the records and computation of the correct release date.

##### **71020.7.3 LPU Discrepant Commitments Responsibility**

Discrepant cases are those cases in which errors in sentencing are detected from the data entered into the OBIS or detected by case records staff.

LPU staff shall review legal documents and case material when received from a reception center or facility and communicate with the court to resolve the discrepancy.

- When no response is received from the court within 45 days, a second letter shall be sent to the trial court.
- When no response is received from the court within 30 days after the second letter, the case shall be referred to the DA's Office.
- After a case has been referred to the DA's Office, no further action shall be taken by LPU staff.
- When a court responds and states that the previous order shall stand, no further action shall be taken by LPU staff.

##### **71020.7.4 LPU's Responsibility for Forwarding Material**

Upon resolution of any discrepancies or completion of the legal status, the below-listed material shall be forwarded to the appropriate facility/region for inclusion in the C-File:

- CDC Form 188, Legal Status Summary.

- Original case summary and confinement calculation.
- Original, amended, or modified Abstracts of Judgments or MinuteOrders received in LPU.
- Copies of all correspondence to or from LPU regarding the case.

**71020.8 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**71020.9 References**

PC §§ 969(b), 1170(a), 1203.03, 1731.5(c), 2902, 3056, 4007, and 11190.

W&I §§ 1798, 3151, and 7301.

CCR (15) § 70751(c).

CC § 1798.

DOM § 71020.

## ARTICLE 3 — TYPES OF RECORDS

*Revised August 21, 1992*

### **72010.1 Policy**

The Department has developed and authorized the use of standardized forms and records. These forms and records prepared and used in various offices throughout the Department enable a uniform records system to be maintained.

### **72010.2 Purpose**

This section defines the various forms and records and how they are to be prepared and maintained.

### **72010.3 CDC Form 130, Inmate Privilege Card**

The CDC Form 130, Inmate Privilege Card, is printed in two colors to identify the privileges (privilege group) an inmate is authorized.

- Privilege Group "A" (red card) full day work, or vocational/academic education assignments excluding college program.
- Privilege Group "B" (blue card) one-half day work; primary, secondary, vocational education program, or waiting list for assignments.
- Privilege Groups "C" and "D," no privilege card is issued to inmates who are voluntarily unassigned or in lockup status.
- A privilege card shall not be prepared for an inmate being processed in the reception centers.

### **72010.3.1 Preparation of Inmate Privilege Cards by The Reception Center**

An identification photo shall be placed in the space provided. The number and last name (in capital letters) shall be typed immediately below the photo.

Regulations pertaining to the card are printed thereon.

Responsibility for issuance may be delegated to an associate Warden. Designated staff shall sign each card in the space provided. The card shall be laminated. The practice of punched holes through the card and laminating are examples of approved precautionary methods which shall be taken to deter unauthorized duplication of the cards.

### **72010.3.2 Issuance of Inmate Privilege Card by Post-Reception Center/Facility**

Upon transfer of an inmate from the reception center to a facility and following initial classification, the proper privilege card shall be prepared and issued in accordance with procedures.

When an inmate is reclassified and/or reassigned changing their privilege group, a new card shall be prepared, issued and exchanged for the other card (if applicable). The returned card shall be retained in a secure area.

### **72010.3.3 Forfeiture of Inmate Privilege Card**

An inmate may, as a result of disciplinary action, forfeit privileges without having been removed from a work group.

A privilege card retrieved based on disciplinary action shall be stored in a secure location for the period of the privilege forfeiture.

At the conclusion of the period, the card shall be returned to the inmate.

### **72010.3.4 Destroying Inmate Privilege Cards**

The privilege card shall be sent with the inmate at the time of transfer to another facility. Prior to transporting an inmate to the designated community correctional center program or release on parole, the sending facility shall confiscate and destroy the inmate's privilege card.

### **72010.4 CDC Form 131 Inmate Identification Card**

A CDC Form 131, Inmate Identification Card, shall be prepared for each inmate received by the Department. The same procedures as specified in DOM 72010.3.1 shall be followed.

### **72010.4.1 Disposition of Inmate Identification Card When Transferring**

Identification cards shall accompany inmates on transfer between facilities. Inmates may carry their identification cards or, at the discretion of the transporting officer, identification cards may be picked up and retained by the transporting officer while the inmate is in transit. If carried by the transporting officer, identification cards shall be immediately available to staff of any facility layover and to the receiving facility for reissue to the inmates upon arrival at their facility.

### **72010.4.2 Replacement of Lost Identification/Privilege Cards**

Any inmate who loses, mutilates, or destroys an identification or privilege card shall be charged for making a new one.

### **72010.5 CDC Form 115, Rule Violation Report**

CDC Form 115, Rule Violation Report, shall be prepared and distributed in accordance with the CCR Article 5, and DOM 52080.

A copy of the CDC Form 115 shall be numbered and filed in chronological order to constitute a register of facility violations in compliance with PC 2081.

One copy of the CDC Form 115, with the subsequent investigation reports, shall be given to the inmate and one copy shall be filed in the inmate's C-File.

Procedures for referring disciplinary reports to the BPT are outlined in this manual, CCR, and the BPT Rules.

State DOJ JUS Form 8715 shall be prepared when a violation is to be referred to the local authorities for possible prosecution. Upon return of the completed form from the local authorities, one copy shall be filed in the inmate's C-File, disciplinary section. The CCRM shall secure a copy of the commitment in any case where the authorities have indicated on JUS Form 8715 that the final disposition was a commitment to State prison.

### **72010.6 CDC Form 106 Visiting Questionnaire**

The CDC Form 106, Visiting Questionnaire, shall be retained in a folder and maintained by visiting room staff.

- The Visiting Questionnaire folder together with the CDC Form 120, Visiting Card, shall be transferred with the inmate.

### **72010.7 CDC Form 128s, Progress Reports**

The CDC Form 128 series (chronos) are used by staff to provide progress reports on inmates.

The original of all reports, except the CDC Form 128-G, Classification Chrono, and the CDC Form 128-E, Vocational Chrono, shall be mounted on CDC Form 108, C-File Chrono Sheet—General.

The chronos need not be typed. When handwritten, chronos shall be in black ink and legible.

Staff who have contacts of interest with inmates, relatives of inmates, or other persons interested in an inmate are encouraged to document these contacts on the appropriate CDC Form 128.

A route slip or similar device may be used when the chrono is directed to staff members before being placed into the C-File.

The last name of the person writing the report shall be placed on the bottom line on the far right-hand corner.

In addition to the date the report was written, the bottom line shall contain a descriptive title line indicating the subject matter contained in the report.

#### **72010.7.1 CDC Form 128-A, Custodial Counseling Chrono**

The CDC Form 128-A (white in color) shall be used only for the purpose of recording minor acts of nonconformance. The CDC Form 128-A shall be affixed to the CDC Form 108 in the disciplinary section of the C-File.

#### **72010.7.2 CDC Form 128-B, General Chrono**

The CDC Form 128-B (canary yellow in color) shall be used by staff when the subject matter to be reported involves matters of classification, parole, or social service.

- This form shall be used by counselors and chaplains when making reports on the religious activity or outside contacts of inmates.
- The number of contacts shall be indicated and any evidence of insight or change of attitude shall be noted.
- Staff shall use this form if none of the other forms in the CDC Form 128 series are applicable to record information regarding contacts with inmates or persons interested in inmates.
- Housing officers shall use the CDC Form 128-B to report such information as the inmate's relationships with fellow inmates, behavior, personal cleanliness, general attitude, and personality.
- The CDC Form 128-B-1 is initiated when an adverse classification action may occur or a major program change is anticipated.
- CDC Form 128-B shall be affixed to the CDC Form 108 in the general chrono section.
- CDC Form 128-B-1 shall be affixed to the CDC Form 108 in the classification section.
- The CDC Form 128-P, Credit Action, is prepared by the correctional case records staff when manually processing a change in release date.

#### **72010.7.3 CDC Form 128-C, Medical/Psychiatric/Dental/Chrono**

The CDC Form 128-C (pink in color) is used by the medical, psychiatric, and dental departments in place of a "memo." An exception is the psychiatric report prepared for the BPT.

- The CDC Form 128-C shall be affixed to the CDC Form 108.

#### **72010.7.4 CDC Forms 128-D, E & F, Education Chronos**

The CDC Form 128-D (white with blue ink) is used for reporting progress (not registration) in day or evening high school courses.

The CDC Form 128-E (blue) is used for reporting progress in day or evening vocational training courses.

CDC Form 128-F (green) is used for reporting progress in day or evening elementary school courses.

The appropriate forms are used for each course in which the student enrolls and shall be completed:

- At the end of each quarter.
- As a progress report prior to a parole board appearance.
- When the inmate drops out of class or for some other reason does not finish the course.
- With the bottom line containing the date and name of the course. The word "Day" or "Evening" (whichever does not apply) shall be crossed out.
- The CDC Forms 128-D and F shall be affixed to the CDC Form 108. The CDC Form 128-E shall be affixed to the CDC Form 109.

#### **72010.7.5 CDC Form 128-G, Classification Chronos**

The CDC Form 128-G (goldenrod in color) is used to record all classification committee decisions.

The CSR shall use CDC Form 128-G to record the approval or disapproval of transfers. This CDC Form 128-G shall become the official transfer authorization document.

The CDC Form 128-G shall be affixed to CDC Form 108-A.

#### **72010.7.6 Classification Records**

A "call sheet" serves as a notice of a committee meeting and is issued to all members of the classification committee by one member who is designated as committee secretary. This notice shall list the names of the inmates to be considered and the date and time of the meeting.

A "result sheet" noting committee decisions shall be prepared by the committee secretary and distributed to the CCRM and other facility staff on a need-to-know basis.

The committee recorder shall send notification of committee actions by memo or use of the "Result Sheet" to the Department heads responsible for carrying out the decisions of the committee.

#### **72010.8 CDC Form 192, Custody Summary Folder**

The CDC Form 192, Custody Summary Folder, is no longer prepared at reception centers. Wardens, however, have the option of preparing, using, and maintaining a custody summary folder during the inmate's stay at the facility.

Upon transfer, parole, or discharge, the custody summary folder shall be destroyed and not forwarded with the remaining departmental records.

Custody summary folders shall not be used for filing confidential information apart from information contained in the confidential folder of the inmate's C-File.

Nonconfidential documents in the custody summary folder shall be made available for disclosure at the time the inmate or the inmate's attorney is authorized to examine the nonconfidential portion of the inmate's C-File.

When screening the custody summary folder for confidential information, it shall be given the same care as a preview screening of the C-File.

#### **72010.9 CDC Form 114-A, Detention/Segregation Records**

The CDC Form 114-A, Detention/Segregation Record, shall be prepared for each inmate housed in lockup status. The record shall be prepared in the lockup housing unit and maintained inside the cell inspection log folder where the inmate is housed.

- Prior to forwarding the records to the case records office, documents shall be placed in an 8 1/2" x 11" manila folder. The inmate's identification number and name shall be affixed in ink to the folder.
- If the inmate is released to the general population, the records shall be forwarded to the case records office for retention with the C-File.
- If an inmate remains in lockup at the same facility for an extended period of time, the records shall be forwarded to the case records office every six months for filing and a new record created by the lockup housing unit staff.
- The case records office shall maintain this "satellite file" in close proximity to the C-File (similar to the manner in which "slough" files were maintained). If the inmate is transferred to another facility, the segregation record file shall be sent with all other records.

#### **72010.10 CDC Form 101, Work Supervisor's Report**

The CDC Form 101, Work Supervisor's Report, shall be routed to the records office for inclusion in the inmate's C-File on CDC Form 109, Work Report Chrono Sheet.

#### **72010.11 CDC Form 144, Control Card**

The CDC Form 144, Control Card, is prepared initially in the reception center and maintained by the case records staff in the facility and parole region.

When an inmate is transferred, paroled, or returned to custody, the card shall be forwarded with the C-File.

Definitions and instructions for completing the control card are discussed below:

##### **Control Date**

The control date is that date which next requires action or disposition regarding an inmate or parolee. The cards shall be filed in chronological order by the date in the control date section.

##### **Number**

The inmate's/parolee's departmental identification number (CDC number).

##### **Name**

The inmate's/parolee's commitment name.

##### **Parole Unit**

This section is for region case records staff to record the parole unit to which the parolee is assigned.

##### **Lifer Court Notices Required**

This section is marked to indicate that a notice to the court shall be sent prior to a BPT hearing on lifer cases or other indeterminate sentence law (ISL) cases as requested.

##### **Parolee-at-Large/Releasee-at-Large (PAL/RAL)**

This section is for region case records staff to record a parolee's/releasee's status and the date the parolee/releasee was declared PAL/RAL.

#### **72010.11.1 Indeterminate Sentence Law (ISL) Data**

The following information shall be entered on ISL cases:

##### **Parole Date**

An ISL parole date is entered in this block if the inmate has been granted an ISL parole date by the BPT.

##### **Primary Term**

The primary term discharge date is entered in this block if a primary term has been granted by the BPT.

##### **Board Date/Civil Addict Program (CAP) Annual Review Date**

The month and year in which an inmate is scheduled for their next ISL board hearing or, for a civil addict, their next annual review date or date specified by the NAEA.

#### **72010.11.2 Determinate Sentence Law (DSL) Data**

The following information shall be entered in DSL cases:

##### **Maximum (Max) DSL Date/CAP Maximum Time in Program**

The maximum (Max) date an inmate may remain in a facility on a DSL term or DSL recalculation or, in the case of a parolee, the Max date a parolee can remain under parole supervision. For civil addicts, this date is the Max date a person can remain in the civil addict program.

##### **DSL Release Date/CAP Max Time in Custody**

The date an inmate is scheduled for release on a DSL recalculation or, in the case of a parolee returned to custody, the scheduled date for release from custody. For civil addicts, this date is the Max date a person can remain in custody.

##### **Discharge Review Date/CAP Clean Consecutive Months on Outpatient Status (OPS)**

The date one year after release to (or returned to) active parole status. For civil addicts, this is the date that shall indicate the conclusion of the clean consecutive months in outpatient status (OPS) for discharge consideration or the date the civil addict rolls over to civil addict parole.

#### **72010.11.3 Miscellaneous Information**

This section shall be used to record status of extended term screening. Case records staff may record other information in this section as needed.

#### **72010.12 CDC Form 112, Chronological Inmate History**

The CDC Form 112, Chronological Inmate History, shall be filed as the second sheet in the case summary section of the C-File.

If additional pages are needed, the inmate's name, CDC number, and chronological page number shall be entered at the bottom of each page.

##### **72010.12.1 Corrections to CDC Form 112**

Use of white-out or correction tape is prohibited.

When an entry is no longer valid (e.g., detainer dropped, release date changed, or posting error), a single line shall be drawn through the entry. The notation "No Longer Valid," the date and staff initials shall be placed adjacent to the lined-through material.

### **72010.12.2 Postings to CDC Form 112**

Entries on the CDC Form 112 shall only include inmate movement/location, data affecting legal status, release and discharge date, length of parole, requests from law enforcement agencies, courts, or interested parties requiring responses, and all BPT and NAEA actions.

All entries on the CDC Form 112 shall be clear, legible and in black ink except those which are specifically designated to be in red ink.

All entries shall be initialed.

Only the abbreviations listed below and the standard facility abbreviations shall be used to provide uniformity.

### **72010.12.3 Departmental Rubber Stamp Specifications**

Rubber stamp specifications:

- All capital letters in plain bold type. Average six characters per inch, letters one-quarter inch high.

### **72010.12.4 Rubber Stamp Postings/Red Ink Stamp**

Red ink stamp:

- WANTED BY \_\_ (Write in the agency warrant/hold/detainer number, expiration date. Date stamp document when received and post this in left column.)
- NO LONGER WANTED BY \_\_ (Write in the agency warrant/hold/detainer number. Use date received. Cross out original wanted notice.)
- NOTICE REQUESTED \_\_ (Write in kind of request. Note if CDC Form 128-R is confidential.)

### **72010.12.5 Rubber Stamp Postings/Black Ink Stamp**

Black ink stamp:

- Report requested, PC 1170(d).
- Report mailed, PC 1170(d).

### **72010.12.6 Postings/Handwritten in Red Ink**

Handwritten in red ink (sample abbreviations as noted):

- Escaped.
- Escaped while on temporary community leave (TCL).
- Apprehended by \_\_.
- Apprehended by \_\_ after expiration of TCL.
- Public interest case.

### **72010.12.7 Postings/Handwritten in Black Ink**

Handwritten in black ink (sample abbreviations as noted):

- Received (rec'd) reception center, SQ (condemned), other jurisdiction.
- Rec'd facility–interfacility transfer.
- Rec'd reception center as parole violator returned to custody (PVRTC).
- Rec'd reception center as parole violator returned with new term (PVWNT).
- Rec'd community correctional facility.
- Out-to-court (OTC)—witness, new trial/new charge (NT/NC), further proceedings.
- Court-return to finish term (Crt Ret TFT).
- Court-return with new term (Crt Ret WNT).
- Released to TCL.
- Returned from TCL (Ret'd from TCL).
- Ret'd from escape.
- Paroled to Region \_\_, unit name (Par to Reg).
- Ret'd to Parole, Region \_\_, unit name (Ret'd to Par Reg) (after release on appeal bond/bail, court order, including while out-to-court.)
- Discharged.
- Deceased.
- Pardon granted.
- Commutation of sentence.
- File audited.
- Additional commitment rec'd.
- Amended abstract of judgment rec'd, case #\_\_ (specify what was amended).
- Discharged from previous term, case #\_\_ (BPT Rule 2649).
- Commitment vacated/recalled/judgment suspended, case #\_\_\_\_\_.
- Arrested/located.
- Waiver of extradition (out-of-state arrest).
- Reinstate on parole effective \_\_\_\_.
- Schedule for revocation.
- Continue on parole.
- Earliest possible release date (EPRD).

- Current release date.
- Max release date (MRD).
- Minimum (MIN)/MAX DSL date.
- Projected revocation release date (PRRD).
- All Board actions, hearing date, dead time, parolee-at-large (PAL) date, discharge review date (DRD), controlling discharge date (CDD), revocation release date (RRD), ISL date.

\_\_\_\_ Days Credit Lost. CDC 115, Dated \_\_\_\_ Log # \_\_\_\_  
 \_\_\_\_ Days credit Restored. CDC 115, Dated \_\_\_\_ Log # \_\_\_\_.

#### **72010.12.8 Items Not Posted to CDC Form 112**

The following items shall not be posted:

- Release to out-to-court and return same day.
- Optional/unconditional waiver signed (this shall be part of the BPT action).

#### **72010.12.9 Other Postings to CDC Form 112**

Any entries not listed above shall be written out and not abbreviated to provide a clear understanding and meaning of the entry.

#### **72010.13 Purging/Retention of C-File Material**

When using C-Files, the counselor shall purge assigned case files of nonessential documents in accordance with the following procedures to maintain the C-File at a more manageable and less costly size and to improve the validity of case information.

##### **72010.13.1 General Purge/Retention Guidelines**

Eliminate duplication by retaining no more than a single copy of any item.

Retain all legal documents and one copy of all parts of the case summary.

Discard mail envelopes received with items placed in the file after the return address is copied onto the item.

Apply departmental criteria for determining confidentiality before disposing of material.

- All nonconfidential material removed from the file shall be given to the inmate unless otherwise indicated.
- Confidential material removed from the file shall not be given to the inmate but shall be destroyed.

No material shall be removed from the C-File which affects the facility security or the health and safety of inmates or others. If material does affect either, the specified retention schedule for that item is waived and the item shall be retained in the file. For example:

- A threat on a person's life might be documented on an informational chrono, which according to the retention schedule is due for purging. Because of the safety issue, the reviewer shall retain that chrono in the file.

**Do not use local "in-house" forms** in lieu of departmental forms. In cases where a local form was used, purge it according to the criteria established for the departmental form.

##### **72010.13.2 Specific Purge/Retention Instructions**

The following instructions apply to the types of documentation which may be found in a case file and shall be followed in the purge processes:

###### **Board Report**

Retain in hard copy; microfiche at discharge.

###### **Psychiatric Evaluation**

Retain in hard copy; microfiche at discharge.

###### **Responses to PC 3042 Notice**

Retain in hard copy; microfiche at discharge.

###### **Statement by Judge and DA**

Not usually received on CDC form, but is the PC 1203.1 statement which shall be retained in hard copy; microfiche at discharge.

###### **Writs Filed by Life Prisoners**

Regardless of the issue raised or the named parties, writs shall be retained until discharge. Numerous writs filed by litigious inmates may be retained in a separate file. Microfiche at discharge.

###### **Correspondence Regarding the Prisoner and the Offense**

Retain in hard copy; microfiche at discharge.

###### **CDC Form 101, Work Supervisor's Report**

Retain in hard copy; microfiche at discharge.

###### **CDC Form 102, Release Statement and Clothing Authorization**

Purge all but most recent one.

###### **CDC Form 104, Property and Cash Receipt-- Arrival**

Do not file in C-File. Maintain current copies in property room.

###### **CDC Form 105, Application for Mail and Visiting Privileges**

Do not file in C-File. Retain in visiting office.

###### **CDC Form 106, Mail and Visiting Privilege Questionnaire**

Do not file in C-File. Retain in visiting office.

**CDC Form 112, Chronological History**

Retain in hard copy; microfiche at discharge.

**CDC Form 114-A, Isolation-Segregation Record**

Retain in hard copy; microfiche at discharge.

**CDC Form 114-D, Order and Hearing for Placement in Segregation Housing**

Retain in hard copy; microfiche at discharge.

**CDC Form 115, Rule Violation Report (Administrative)**

Retain in hard copy; microfiche at discharge.

**CDC Form 115-A, Serious Rule Violation Report**

Retain in hard copy; microfiche at discharge.

- Incident reports attached to CDC Forms 115 retained in hard copy; microfiche at discharge.

**CDC Form 122, Property and Cash Receipt--Release**

Do not file in C-File. Retain in property room.

**CDC Form 123, Body Receipt**

Retain in hard copy; microfiche at discharge.

**CDC Form 126, Certificate of Driver Eligibility**

Retain in hard copy; microfiche at discharge.

**CDC Form 127, Next-of-Kin Information**

Retain in hard copy; microfiche at discharge.

**CDC Form 128-A, Custodial Counseling**

Retain in hard copy; microfiche at discharge.

**CDC Form 128-B, General Chrono**

Retain in hard copy; microfiche at discharge.

**CDC Form 128-B-1, Notice of Classification Hearing**

Retain in hard copy; microfiche at discharge. These are needed for accreditation.

**CDC Form 128-C, Medical-Psych-Dental**

Retain in hard copy; microfiche at discharge.

**CDC Form 128-C-1, Reception Center Medical Clearance/Special Instructions**

Retain in hard copy; microfiche at discharge.

**CDC Form 128-D, E, and F, Education Progress Reports**

Retain in hard copy; microfiche at discharge.

**CDC Form 128-G, Classification Chrono**

Retain in hard copy; microfiche at discharge.

**CDC Form 128-L, Education--College**

Retain until BPT hearing (documentation, parole consideration, progress or rescission) which occurs after the conduct documented on the form, then purge.

**CDC Form 128-M, Group Test Results**

Retain in health records.

**CDC Form 128-O, Document Receipt**

Retain in hard copy; microfiche at discharge.

**CDC Form 128-P, Loss of Credit Notification**

Purge all but most recent notice.

**CDC Form 128-P-1, Notice of Work Credits**

Purge all but most recent notice.

**CDC Form 128-R, Requested Notice of Escape or Transfer of Custody**

Retain in hard copy; microfiche all but most recent notice.

**CDC Form 138, Fingerprint Card**

Retain in hard copy.

**CDC Form 146, Release--Motion Pictures, etc.**

Retain in hard copy; microfiche at discharge.

**CDC Form 158, Certification of Education Achievement**

Do not file in C-File. Retain in education/vocational office.

**CDC Form 161, Warden's Checkout Order**

Do not file in C-File. Retain in separate record office file for one year in addition to the current year.

**CDC Form 188, Cumulative Case Summary--Face Sheet**

Retain in hard copy; microfiche at discharge.

**CDC Form 191, Inmate Time Card**

Retain in hard copy; purge 60 days after last credit gain unless an appeal is pending.

**CDC Form 193, Trust Account Withdrawal Order**

Do not file in C-File. Retain in trust office.

**CDC Form 198-A, Source of Information**

Retain in hard copy; microfiche at discharge.

**CDC Form 202, Request for Education Record**

Do not file in C-File. Retain in education office.

**CDC Forms 203, 204-A, 205-A, 206, 207-A, and 208**

All these forms are obsolete.

**CDC Form 209, Psychological Test Results**

Retain in health record.

**CDC Form 241, Request for Military Service Data**

Purge when answer received.

**CDC Form 248-A, Letter of Inquiry Re: Application for Employment**

Retained in C-File only until reply is received, then purge.

**CDC Form 255, Off-Reservation Work Assignment Eligible List**

Do not file in C-File. Retain in custody office.

**CDC Form 260, Personal Clothing Disposition**

Do not file in C-File. Retain in property room.

**CDC Form 279-L, Facility Appearance Evaluation Sheet**

Retain in hard copy; microfiche at discharge.

**CDC Forms 294 and 295, Western Interstate Corrections Compact Agreement and Cooperative Transfer Agreement**

Retain in hard copy; microfiche at discharge.

**CDC Forms 341, 342, 343, and 344, Discharge Certificates**

Retain in hard copy; microfiche at discharge.

**CDC Form 345, Power of Attorney and Authorization for Deposit**

Retain latest in hard copy; microfiche at discharge.

**CDC Forms 360, 360-A, 361, 362-A, and 362-B, NAEA Vote Sheet**

Retain in hard copy; microfiche at discharge.

**CDC Form 600, Wanted Persons System Notification--Addendum A**

Retain current wants in hard copy. Purge upon cancellation.

**CDC Form 602, Inmate/Parolee Appeal Form**

Retain in hard copy; microfiche at discharge.

**CDC Form 611, Release Program Study**

Purge all but most recent one. Microfiche at discharge.

**CDC Form 616, Form Letter--Request for Disposition of Probation, Waiver of Appearance and Right to Attorney**

Purge when adjudicated.

**CDC Forms 629-A and 629-B**

SHU term of initial confinement, and re-determination of SHU confinement term. Retain in hard copy attached to CDC 115, microfiche at discharge.

**CDC Form 643, Demand for Hearing and Trial**

Retain in hard copy; microfiche at discharge.

**CDC Form 644, Notice of Presumptive Death**

Microfiche at discharge.

**CDC Form 661, Form Letter to Inmate Re: Wanted by Other Agencies**

Retain in hard copy; microfiche at discharge.

**CDC Form 669, Motion to Dismiss Criminal Charges Pending**

Retain in hard copy; microfiche at discharge.

**CDC Form 678, Confinement Computation**

Retain in hard copy; microfiche at discharge.

**CDC Form 679-A Credit/Term Computation**

Retain in hard copy; microfiche at discharge.

**CDC Form 679-A Credit/Term Computation**

Retain in hard copy; microfiche at discharge.

**CDC Form 695, Appeals Office Screening Decision**

Retain in hard copy; microfiche at discharge.

**CDC Form 801, Notice of Detainer**

Retain in hard copy, purge when returned to Department custody or paroled.

**CDC Form 802, Interstate Compact/Placement Agreement**

Retain in hard copy; microfiche at discharge.

**CDC Form 804, Notice of Pending CDC 115**

Retain in hard copy; purge when CDC 115 is adjudicated.

**CDC Form 810, Confidential Information Listing**

Retain latest in hard copy; microfiche at discharge.

**CDC Forms 811 and 811-A, Confidential Information Removal Notice**

Retain latest in hard copy; microfiche at discharge.

**CDC Forms 812, Notice of Critical Case Information-- Safety of Persons; 812-A, Notice of Critical Information--Prison Gang Identification; and 812-B, Notice of Critical Information--Disruptive Group Identification**

Retain in hard copy; microfiche at discharge.

**CDC Form 813, Release From Liability**

Retain in hard copy; microfiche at discharge.

**CDC Form 819, Personal/Confidential Information Disclosure/Access Log**

Retain in hard copy; microfiche at discharge.

**CDC Form 833, Record Release Authorization**

Retain in hard copy; microfiche at discharge.

**CDC Form 839, Initial Classification Score Sheet**

Retain in hard copy; microfiche at discharge.

**CDC Form 840, Reclassification Score Sheet**

Retain in hard copy; microfiche at discharge.

**CDC Form 850, Detainer Summary**

Retain in hard copy; microfiche at discharge.

**CDC Form 888, Notice of Request for Search**

Do not file in C-File. Retain in visiting office.

**CDC Forms 913 and 914, Override and Sentence Date Entry**

Do not file in C-File.

**CDC Form 916, Credit Time Waiver**

Retain in hard copy; microfiche at discharge.

**CDC Form 958, Application for Restoration of Credits**

Retain in hard copy; microfiche at discharge.

**CDC Form 1502, Activity Report**

Retain in hard copy; microfiche at discharge.

**CDC Form 1503, Parolee Face Sheet**

Retain in hard copy; microfiche at discharge.

**CDC Form 1504, Parole Release Authorization**

Retain in hard copy; microfiche at discharge.

**CDC Form 1506, Transfer/Correction/Residence Change**

Retain in hard copy; purge at discharge.

**CDC Form 1507, Record of Interview (Reentry)**

Retain in hard copy; microfiche at discharge.

**CDC Form 1508, Parolee's Monthly Report**

Do not file in C-File.

**CDC Form 1509, Assistance Receipt**

Do not file in C-File.

**CDC Form 1510, Loan Repayment Receipt**

Do not file in C-File.

**CDC Form 1512, Form Letter Permit to Drive a Vehicle.**

Obsolete, purge.

**CDC Form 1515, Notice and Conditions of Parole**

Retain in hard copy; purge at discharge.

**CDC Form 1515-L, Conditions of Release**

Retain in hard copy; microfiche at discharge.

**CDC Form 1519, Request to Exercise/Restore Civil Rights**

Obsolete, purge.

**CDC Form 1521-A, Actions of the Parole & Community Services Division**

Retain in hard copy; purge at discharge.

**CDC Form 1521-B, Charge Sheet**

Retain in hard copy; purge at discharge.

**CDC Form 1521-C, Case Summary**

Retain in hard copy; purge at discharge.

**CDC Form 1521-D, Recommendation Review Decision Sheet**

Retain in hard copy; purge at discharge.

**CDC Form 1524, PAL Report**

Retain in hard copy; purge at discharge.

**CDC Form 1526, Visitation Permit**

Retain in hard copy; purge at discharge.

**CDC Form 1529, Parole and Probation Form A, Reply to Parole Investigation Request**

Retain in hard copy; purge at discharge.

**CDC Form 1530, Parole and Probation Form B, Report of Violation**

Retain in hard copy; purge at discharge.

**CDC Form 1531, Parole and Probation Form 1, Parole Investigation Request**

Retain in hard copy; purge at discharge.

**CDC Form 1532, Parole and Probation Form 2, Report of Sending State**

Retain in hard copy; purge at discharge.

**CDC Form 1533, Parole and Probation Form 3, Agreement to Return**

Retain in hard copy; purge at discharge.

**CDC Form 1534, Parole and Probation Form 4, Parole Progress and Conduct Report**

Retain in hard copy; purge at discharge.

**CDC Form 1535, Out-of-State Travel Permit**

Retain in hard copy; purge at discharge.

**CDC Form 1536, Request for Cooperative Investigation**

Retain in hard copy; purge at discharge.

**CDC Form 1538, Opening and/or Closing Notice**

Retain in hard copy; purge at discharge.

**CDC Form 1539, Tracer Letter #1 (PAL)**

Do not file in C-File.

**CDC Form 1540, Final Request Concerning Parolee (PAL)**

Do not file in C-File.

**CDC Form 1541, Request for Submission of Monthly Report**

Do not file in C-File.

**CDC Form 1548, Parolee Outpatient Clinic Referral**

Do not file in C-File.

**CDC Form 1551, Transfer Investigation Request**

Do not file in C-File.

**CDC Form 1570, Guidelines for Parole**

Do not file in C-File.

**CDC Form 1580, Request for Criminal Record (DOJ)**

Do not file in C-File.

**CDC Form 1600, Arrival Report–Work Furlough Inmates**

Retain in hard copy; purge at discharge.

**CDC Form 1601, Departure–Work Furlough**

Retain in hard copy; purge at discharge.

**CDC Form 1604, Agreement of State Prisoner to Participate in Community Correctional Facility Program**

Retain in hard copy; purge at discharge.

**CDC Form 1608, NAEA Vote Sheet**

Retain in hard copy; microfiche at discharge.

**CDC Form 1610, Authorization and Waiver Methadone Maintenance Program**

Do not file in C-File.

**CDC Form 1611, Request for Furlough Absence**

Do not file in C-File.

**CDC Form 1614, Employment Information**

Do not file in C-File.

**CDC Form 1628-B, NAEA Board Report Review–Special Comments**

Retain in hard copy; microfiche at discharge.

**CDC Form 1632, Discharge Review–Retain in Parole Report**

Retain in hard copy; purge at discharge.

**CDC Forms 1664 Through 1672, Agreement on Detainers**

Retain in hard copy; microfiche at discharge.

**CDC Form 1676, Hearing Data (Case Data)**

Retain in hard copy; microfiche at discharge.

**CDC Form 7252, Request Authorization for Temporary Removal for Medical Treatment**

Retain in hard copy; microfiche at discharge.

**72010.13.3 Parole & Community Services Division Forms: Purge/Retention**

P&CSD Forms:

**P&CSD Form 101, Form Letter**

Obsolete, purge.

**P&CSD Form 102, Corrected Discharge Date/Notification of Death**

Obsolete, purge.

**P&CSD Form 103, Form Letter**

Retain in hard copy; purge at discharge.

**P&CSD Form 104, Form Letter**

Obsolete, purge.

**P&CSD Form 105, Affidavit**

Obsolete, purge.

**P&CSD Form 106, Memo–Transmittal**

Obsolete, purge.

**P&CSD Form 107, Weekly Discharge List**

Retain in hard copy; purge at discharge.

**P&CSD Form 180, P&CSD Route Slip**

Do not file in C-File.

**P&CSD Forms 181 and 181-B, Costs of Detention**

Do not file in C-File.

**P&CSD Form 182, Cooperative Case Referral**

Obsolete, purge.

**P&CSD Form 183, Prescription**

Obsolete, purge.

**P&CSD Form 184, POC–Monthly Activities Report**

Do not file in C-File.

**P&CSD Form 185, Records Card**

Obsolete, purge.

**72010.13.4 Non-departmental Forms: Purge/Retention**

Nondepartmental forms:

**Abstract of Judgment**

Retain in hard copy; microfiche at discharge.

**Minute Order**

Retain in hard copy; microfiche at discharge.

**Charging Document**

Retain in hard copy; microfiche at discharge.

**Sentencing Transcript**

Retain in hard copy; microfiche at discharge.

**POR**

Retain in hard copy; microfiche at discharge.

**Appellate Opinion:**

**Lifer Cases**

Retain in hard copy; microfiche at discharge.

**Nonlifer Cases**

If affirmed, destroy when final.

**Remittitur**

Retain in hard copy; microfiche at discharge.

### **Board Decision**

Retain in hard copy; microfiche at discharge.

### **Requests for Notice of Board Hearings and Correspondence From Victims and Next-of-Kin**

Retain in hard copy; microfiche at discharge.

### **General Correspondence**

Purge at review for documents two years old except items containing crucial information in the judgment of the reviewing counselor; microfiche at discharge.

### **Current CI&I SSCH**

Retain in hard copy; microfiche at discharge.

### **Current FBI Reports**

Retain in hard copy; microfiche at discharge.

### **Arrest Reports Re: Instant Offenses or Requested by NAEA**

Retain in hard copy; microfiche at discharge.

### **All Violation Reports**

Retain in hard copy; microfiche at discharge.

### **All Referrals to Outpatient Status/Civil Addict Parole**

Retain in hard copy; microfiche at discharge.

### **All Release Program Studies (Outpatient Status/Civil Addict Parole)**

Retain in hard copy; microfiche at discharge.

### **72010.14 CDC Form 135, Transfer Record**

A CDC Form 135 shall be prepared listing the number and name of each inmate being transferred.

A separate CDC Form 135 shall be prepared for each facility or facility of a complex.

Under "Remarks," the sending facility shall note those cases requiring emergency or special handling (e.g., emergency psychiatric, serious escape risk, SHU placement) but not confidential information.

The inmate's privilege group shall be indicated in the remarks.

The CDC Form 135 shall be prepared in quintuplicate, signed by case records staff, and forwarded with the case records to the receiving and release (R&R) sergeant for further processing.

The CDC Form 135 shall be signed by the transporting officer as a receipt for the inmates and their records.

#### **72010.14.1 Distribution of CDC Form 135**

One copy of the CDC Form 135 shall be returned by R&R to the case records office of the sending facility where it shall be retained for one year in addition to the current year.

One copy of the CDC Form 135 shall be delivered to the sending facility control room.

The remaining three copies of the form shall be carried by the transportation officer to the receiving facility for the following distribution:

- One copy and any confidential information to the receiving facility's control room.
- One copy with the inmate's records to the case records office of the receiving facility where it shall be retained for one year in addition to the current year.
- The remaining copy is retained by the transporting officer.

#### **72010.14.2 New CDC Form 135 For Layovers**

Case records staff of a layover facility shall prepare a new CDC Form 135 listing all inmates being transferred from their facility including those enroute.

The new CDC Form 135 shall be used as a receipt for the inmates and their records on departure from the layover facility.

Notations shall be made under "Remarks" to indicate the origin of the transfer (e.g., en route from CIM).

When it is apparent that the departmental transportation vehicle shall arrive at a layover facility after regular working hours, the sending facility shall FAX the names, numbers, and destination of those inmates who are stopping over.

This shall enable the case records staff of the layover facility to prepare the CDC Form 135 in advance.

#### **72010.14.3 Parole Violators Returned From County Jail**

For each parole violator picked up at a county jail by departmental transportation, the receiving facility's staff shall prepare a CDC Form 123, Body Receipt, upon arrival.

Any confidential memos/chronos shall be delivered to receiving facility staff for immediate evaluation.

#### **72010.15 CDC Form 134, Records Transfer Checksheet**

A CDC Form 134 shall be prepared in duplicate listing the records for transfer to another facility or parole region and using the inmates listed on the CDC Form 135 or the CDC Form 161.

An entry shall be made in each square of the sheet after the inmate's name to indicate that the record is enclosed, delayed, or nonexistent. The disposition of the Form 134 is as follows:

- The original of the Records Transfer Checksheet shall accompany the records to the records office of the receiving facility/region where it shall be retained one year in addition to the current year.
- The duplicate shall be retained by the records office of the sending facility/region one year in addition to the current year.

#### **72010.16 IW/TIP Records**

The IW/TIP requires proper recording and documentation of an inmate's participation in a work/training assignment for the purpose of granting worktime credit.

DOM 73030 of this manual provides detailed procedures for the completion and processing of the CDC Form 191, Inmate Time Card, and worktime credit chronos.

- Time cards shall be filed in the general chrono section of the inmate's C-File.

#### **72010.16.1 Transfer of Time Cards**

If a time card is received in the case records office after an inmate and his records have been transferred, the information from the card shall be entered into the computer.

After entry into the computer, the time card shall be mailed immediately by first-class mail to the receiving case records office for placement in the inmate's C-File.

#### **72010.16.2 Missing Time Report**

The time collection computer program does not permit granting of worktime credits when there are gaps in an inmate's record.

Timely entry of correct worktime data for each day is absolutely necessary.

A missing time report is computer-generated which enables each facility and parole region (community correctional center cases only) to receive a monthly listing of missing computer entries of worktime records.

The missing time report provides a method for staff to make immediate follow-up of any missing time thereby enabling case records staff to grant accurate worktime credits in a timely manner.

The missing time report shall be routed to facility department heads for further distribution to supervisor(s) for follow-up.

Staff shall review their timekeeping records and prepare a time card or chrono for inmates under their supervision who are listed on the report.

#### **72010.16.3 Missing Time Report Format**

The missing time report is printed in CDC numerical order within the following categories:

- Not vested.
- Vested.

Missing time information shall continue to be shown on each monthly listing until a time card or time chrono has been received and entered into the computer by case records staff.

#### **72010.17 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

#### **72010.18 References**

PC § 2081.5.

CCR (15) (3).

DOM §§ 52080 and 73030.

## **ARTICLE 4 — INITIAL INTAKE PROCEDURE**

*Revised January 11, 1996*

### **72020.1 Policy**

Inmates received by the Department must be accompanied by proper documentation and authorization, and their identity must be verified to prevent inadvertent acceptance of persons not legally committed to CDC.

### **72020.2 Purpose**

This section establishes standard procedures for the orderly acceptance and processing of inmates in a controlled, expedient manner into departmental institutions.

### **72020.3 Types of Inmates/Cases Received by the Department**

Inmates received by CDC include:

- New commitments.
- Diagnostic commitments [PC 1203.03].
- Safekeepers (PC 4007).
- Out-to-court returns with new terms or to finish terms.
- Parole violators with new terms (PVWNT) or returned-to-custody (PVRTC).
- Outpatient returnees with new commitments or to finish commitments.

### **72020.4 Intake Procedures**

Reception centers or receiving institutions shall prepare required departmental forms on inmates received with new commitments.

In processing arrivals at institutions, standard procedures shall be followed.

#### **72020.4.1 Receiving Responsibility: Receiving and Release (R&R)**

In processing arrivals the R&R sergeant shall:

Verify that new/additional commitments are valid and certified. The court order is deemed certified if it has any two of the following:

- Original judge's signature.
- Original county/court clerk's signature.
- Original county seal.

Refer to CCRM any questionable documents for verification.

Make a print of arrival's right index finger on the commitment document.

Assign a CDC identification number (CDC number) for new commitments.

Record each newly admitted inmate's number and name in the reception center roster.

#### **Prepare Forms**

Prepare a CDC Form 123, Body Receipt, in duplicate and distribute:

- Original to person delivering inmate.
- Copy to C-File.

Receive new arrival's cash, securities, and other personal property and complete a CDC Form 104, Property and Cash Receipt Arrival, in quadruplicate and distribute:

- White, retained in R&R.
- Yellow, to inmate.
- Green, to trust office with case/securities.
- Pink, to remain with valuable property envelope.

Have inmate complete a CDC Form 345, Authorization for the Director to Maintain Trust Account, and forward to C-file.

Prepare the CDC Form 127, Identification Worksheet, on all new commitments.

- The CCRM shall prepare the CDC Form 127 for commitments received by mail.
  - This information is used to prepare the FBI Form FD-249; Fingerprint Cards, and then the form is destroyed.
- The chrono section, "Notice in Case of Death or Illness," at the bottom of the CDC Form 127 shall be removed and forwarded to case records for the C-file.

#### **CDC Form 103-B**

The CDC Form 103-B, Associate Warden--Custody Inmate Record Card, may be used in a facility at the discretion of the Warden. This form is not a part of the inmate C-file and shall not be retained therein.

#### **72020.4.2 Disposition of Personal Clothing**

New arrivals may send civilian clothing out of the facility at their own expense or designate that the facility dispose of it.

#### **72020.4.3 Fingerprints**

Four sets of fingerprints and complete information shall be provided on four FBI Form FD-249, except for 90-day placements (PC 1203.03).

#### **R&R Responsibility**

On 90-day placements, only one FBI Form FD-249 shall be sent to State DOJ on an FBI card.

#### **Required Information**

The following information is required on all FBI Form FD-249s:

- Date subject was received by the facility.
- County of commitment.
- Commitment offense(s).
  - Court case number(s), crime(s) including probation revocation when applicable, proper code section(s) and sentence(s) shall be specified.
  - For diagnostic cases, the charge shall be "PC 1203.03." The charge resulting in PC 1203.03 commitment shall not be reflected.
- Inmate's full commitment name [see DOM 73010.6.1], CDC number, contributing facility's identification number and the name of the facility submitting the card.

#### **Additional Commitments**

If an additional commitment is involved, indicate the type.

- Court return with new term.
- Additional commitment received by mail.
- Escape return with new term.
- PVWNT.
- Civil Addict cases shall specify outpatient return with a new commitment.

#### **Parole Violators**

PVRTC:

- In the charge box, note "Parole Violator" or "Outpatient Returnee."
- In the final disposition box, note "P.R.T.C."

PVWNT:

- In the charge box, note "Parole Violator with New Term" and include county, case number, code and section number, and offense in narrative form.
- In the final disposition box, place the new term(s) (i.e., Parole Violator with New Term and years of term. Do not include code number.)

#### **Audit of Information**

All FBI Form FD-249s shall be audited to ensure that they are proper, accurate, and complete in form.

FBI Form FD-249s that do not contain all the required information shall be returned to the processing facility by State DOJ.

Returned FBI Form FD-249s shall be forwarded to the facility of confinement for correction and resubmission to State DOJ.

On a daily basis, and no later than four working days after receipt of the inmate, two of the FBI Form FD-249s shall be mailed to:

Department of Justice  
Bureau of Identification and Information Branch  
P.O. Box 13387  
Sacramento, CA 95813

#### **Records Office**

The remaining two FBI Form FD-249s will be filed in the C-file. One shall be permanently retained there, the other one shall be sent out to the P&CSD when the inmate is released on parole.

#### **72020.4.4 Inmate Photograph Specifications**

Inmate photographs must meet the following specifications:

Photographs and negatives produced for other than institutional use shall have both the front and side views of the inmate. The size of the picture and negative shall be three inches (height) by four inches (width) with no border. The side view shall be on the left side of the photograph facing the front view.

All photographs shall be taken in a reduction scale of 7:1. The ground glass on the camera will be marked to provide 2 3/8 inches from the top of the head to the bottom of the number board.

- Number boards shall be used on all front view photographs and be approximately eight inches (width) by four inches (height). They shall contain only the following information:
- "CALIFORNIA PRISON" in 1/2 inch letters. Civil addict commitments will show as "CALIFORNIA REHABILITATION CENTER."
  - Inmate's CDC number in one inch numbers.
  - Inmate's name in 1/2 inch letters (initials and last name).
  - Date photograph taken in 1/2 inch numbers.

Photographs shall reflect as nearly as possible the normal appearance of the inmate. Excessive smiles or squints that distort the shape of the eyes and mouth shall be avoided.

- Inmates shall be photographed every five years or when there is a distinct change in physical appearance.

#### **Staff Responsibility**

Staff shall refer inmates to the institutional photo lab for a new photograph when their appearance differs markedly from the photograph on their privilege or identification card or in the C-file.

Referrals shall be in writing with a copy to CCRM.

#### **72020.4.5 Confidential Folders**

Upon receiving information that an inmate has a prior CDC number and was discharged on or after 1-1-80, the following shall be done.

### **Reception Center Case Records Staff**

Query OBIS for confidential file flag.

- If there is a confidential flag, immediately contact ID/Warrants Unit Confidential Folder clerk at CALNET 485-6945 or (916)445-6945.
- Request the Confidential Folder and have pertinent information relayed immediately for use by custody and counseling staff prior to receipt of the folder.

### **ID/Warrants Unit**

Mail Confidential Folders by First Class Mail the same day request is received.

- If the material in the Confidential Folder is deemed nonconfidential (see DOM 61020) the ID/Warrants Unit, Confidential Folder clerk, shall be notified to remove the confidential flag from OBIS.
- The Confidential Folder, with the notation "Deemed Nonconfidential," shall be returned to the Archives Unit with the discharged file.

### **72020.4.6 Case Files for Parole Violators/CCRM Responsibility**

The CCRM shall communicate with the appropriate regional CCRM, using the telephone, FAX, or OBIS, advising them of the receipt of the parole violator(s) and shall request that the case files be forwarded immediately.

- Case files on parole violators (PVRTC or PVWNT) shall be requested daily.
- Parole regions shall forward requested files to the institution immediately.

### **72020.4.7 Parolees With New Commitments**

Non-life commitment parolees who have been revoked and returned to prison with a new commitment shall not be automatically discharged.

### **Case Records Staff**

Case Records staff shall determine whether or not to discharge a prior commitment for a parolee returned to prison with a new commitment in accordance with BPT Rule 2649.

A parolee who has been returned with a new commitment but whose parole has not been revoked shall be presented to the BPT on the Miscellaneous Proceedings Calendar at the reception center or receiving facility.

### **72020.4.8 Safekeepers**

The PC 4007 provides for housing of county prisoners in State prisons for safekeeping, hospitalization, or because the county jail is unsafe or unfit. The Warden shall immediately, upon receiving such prisoner, advise The Director in writing.

### **Records Office Responsibility**

The ID/Warrants Unit will issue all "S" numbers and the headquarters OBIS staff will enter all "Admission" movements.

The following information shall be telephoned to the ID/Warrants Unit prior to receiving an "S" number:

- Reviewing facility's name.
- Name, title, and telephone number of person requesting the "S" number.
- Safekeeper's date of birth.
- Safekeeper's ethnicity.
- Safekeeper's CI&I number (or state that the CI&I number is unavailable).
- Admitting agency.

The C-file shall be processed in accordance with DOM 71020.5.7.

### **72020.5 Case Summary**

Information from the following documents may be used in the preparation of the case summary. Upon receipt they shall be placed in the C-file.

- Abstracts of Judgment or Minute Orders.
- Statements of judge and DA.
- POR.
- Transcript of proceedings at the time of sentence.
- Copy of the indictment or information.
- CI&I SSCH.
- All correspondence pertaining to the inmate's case.

### **Responsibility of Case Records Staff**

The CCRMs are responsible for incorporation into the case summary all legal information pertaining to the inmate's case, e.g., statement of the judge and DA.

### **72020.5.1 Legal Status**

Instructions for completion of the legal status section of the case summary are in DOM 73010.

### **72020.5.2 Commitments Not Processed Through a Reception Center**

Newly received commitments not processed by the reception center or for whom a recent case summary is not available shall have a case summary prepared by the C&PR or designee of the facility to which the inmate is assigned.

### **72020.5.3 Former "Z" Cases (PC 1203.03)**

### **Case Records Staff**

When an inmate is received on a felony sentence and was previously a "Z" case, the following shall occur:

Request the "Z" file from the Archives Unit if it has been shipped to that unit. When it is received:

- Destroy the following material from the "Z" file:
  - All worksheets used by staff during processing.
  - CDC Form 112, Chronological History.

- CDC Form 127, Notice in Case of Death or Illness.
- FBI Form FD-249, Fingerprint Card.
- CDC Form 345, Authorization for the Director to Maintain Trust Account.
- Draw a line through the "Z" number on the medical file; place the new CDC number on the file and forward it to the medical department.
- If part of the case summary is used, the new CDC number shall be typed above the "Z" number and the "Z" number lined out.
- Draw a line through the "Z" number on all remaining material and incorporate it into the new C-file. Materials not used shall be destroyed.

#### **72020.5.4 PC 1170(A)(2) Commitments**

The LPU (LPU) records commitments for persons sentenced pursuant to PC 1170(a)(2) and not delivered to prison.

The PC 1170(a)(2) provides for disposition of cases in which the amount of pre-prison credit exceeds the sentence under the Determinate Sentence Law (DSL). The BPT rules provide the same provisions for cases sentenced under the Indeterminate Sentence Law (ISL).

#### **72020.5.4.1 Procedures for Processing Commitments**

##### **DSL**

Upon receiving a judgment under the provision of PC1170(a)(2), LPU shall process the case as follows:

To conform with DSL commitments:

- Term(s) shall be calculated and a CDC Form 188 prepared.
- If the preprison credit exceeds the DSL term including period of parole, the CCRM shall notify the sentencing court that the person has completed the prison term and period of parole and should be released from custody.
- If the preprison credit exceeds the DSL term, but not the period of parole, the case shall be presented to the BPT for consideration of waiver of parole. The court shall be advised of the BPT decision. If parole is not waived, the court shall be advised to order the individual to the appropriate parole office for parole supervision.
- If the preprison credit does not exceed the DSL term, the CCRM shall notify the court. The notification shall include information reflecting the computation and the amount of time remaining to be served.

##### **ISL**

To conform with ISL commitments:

- Term(s) shall be recalculated pursuant to PC 1170.2(a) using a CDC Form 678 and the case screened for possible extended term hearing.
- The CDC Form 678, POR, Information, and related documents shall be presented to the BPT for review and disposition.
- If the person is not scheduled for an extended term hearing and is overdue for release on the date calculated under PC1170.2(a), the CCRM shall notify the sentencing court that the prison term is completed and the person should be released from custody. If the preprison credit does not satisfy the period of parole, the court shall be advised to order the person to report to the appropriate parole office for parole supervision.
- If the person is not overdue for release or if the person is scheduled for an extended term hearing, the CCRM shall notify the court that the person must be delivered to the Department. The notification to the court shall include a copy of the CDC Form 678 or BPT Form 1091, Screening Form, and include the amount of time remaining to be served unless the person is scheduled for an extended term hearing.

##### **Person Not Delivered**

Those cases that require a person **not** be delivered shall be processed as follows:

- Assign CDC number.
- Route to OBIS for input of commitment information.
- Prepare departmental records.
- If discharged, microfiche and forward all documents to the Archives Unit.
- If paroled, forward all documents to the appropriate parole region CCRM.

**Note:** CDC numbers and departmental records shall not be issued and/or prepared until it has been determined that the pre-prison credit exceeds the term and the person will be discharged or placed under parole supervision.

#### **72020.5.5 Direct Release to Parole From Court**

In certain situations courts will sentence a person directly to the Department for parole supervision. The appropriate parole authority will make the final decision to retain or waive parole supervision.

#### **72020.5.6 Former CYA Files**

If a new arrival is identified as a former CYA ward or is being discharged to the Department's jurisdiction, the CCRM shall contact CYA ward master files at (916)445-7250 or CALNET485-7250.

The CYA will provide a copy of the clinical summary for use by the counselor. If a complete file is needed, it will have to be specifically requested.

#### **72020.6 Processing Inmates Tried Under Interstate Agreement on Detainers**

Individuals confined in facilities outside California's jurisdiction may request disposition of charges pending in California pursuant to PC1389, Interstate Agreement on Detainers. Upon completion of court proceedings, these individuals must be returned to the sending jurisdiction.

If a California commitment is received to run concurrent with previously imposed terms, the Director is authorized to designate a facility of another jurisdiction as the place of reception on the California term (PC 2900).

#### **72020.6.1 Processing Procedures - Concurrent Commitments**

Region I, Case Records Office is responsible for processing these cases.

The received date on the CDC Form 188, Legal Status, shall be either:

- The date of receipt by the other jurisdiction after sentencing by California.
- The date of sentencing in California if the subject was not present.

The term's start date shall be the same as the received date except for probation revocation cases.

The term's start date on probation revocation cases shall be the date the inmate was originally received by the other jurisdiction.  
The CDC Form 112 shall be posted as follows.

Example:

- 01/01/73-Received at Colorado State Prison.
- (Date of Detainer)-Colorado State Prison designated as place of reception on this term pursuant to PC2900.
- 01/01/74-Received at NRC-CMF (transfer from Colorado State Prison).

**72020.7 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**72020.8 References**

PC §§ 1170(a)(2), 1170.2(a), 1203.03, 2081.5, 2082, 2900, 2901, 3058.5, and 4007.

## ARTICLE 5 — CENTRAL FILE AND TRANSFER OF RECORDS

*Revised April 1, 1992*

### **72030.1 Policy**

Uniform records shall be maintained on persons under the jurisdiction of the Department.

### **72030.2 Purpose**

This section sets forth the procedures for the uniform preparation of an inmate's C-File and other departmental records pertaining to an inmate.

### **72030.3 C-File**

The C-File is the central depository for copies of all documents, correspondence, and reports pertaining to each inmate.

A C-File is inaugurated for each new inmate upon admission in the Department.

### **72030.4 Filing Order**

The C-File is divided into 11 sections. Specific items are designated to be filed in respective sections.

Like documents shall be grouped together in chronological order, most recent information on top.

#### **72030.4.1 Case Summary Section**

- CDC Form 261, Order of Filing.
- CDC Form 112, Chronological Inmate History.
- Legal status sheet.
- Case summary/POR or police report if POR is not available.
- Latest report to paroling board.
- CI&I/FBI SSCHs.
- Other related forms and documents.
- PC 1203.03 reports.
- PC 1170(d) reports.
- CDC Form 916, Time Credit Waiver.

#### **72030.4.2 Legal Documents Section**

- CDC Form 1151, Legal Status Audit Sheets.
- CDC Form 1130, LPU Document Transmittal.
- CDC Form 819, Personal/Confidential Information Disclosure/Access Log.
- Minute Order.
- Abstract of Judgment.
- Court remittitur(s).
- Court decisions.
- Sentencing transcript.
- PC 1203.01 statements.
- Information.
- Legal correspondence.
- CDC Form 123, Body Receipt.
- Other related forms and documents.
- CDC Form 138, Fingerprint Card(s).

#### **72030.4.3 Classification Section**

- CDC Form 262, Custody Classification - Assignment.
- CDC Form 840, Reclassification Score Sheet.
- CDC Form 812, Notice of Critical Case Information – Safety of Persons.
- CDC Form 812-A, Notice of Critical Information – Prison Gang Identification.
- CDC Form 812-B, Notice of Critical Information – Disruptive Group Identification.
- CDC Form 128-B-1, Notice of Classification Hearing. (Filed on a CDC Form 108-A, Chrono Sheet - Classification.)
- CDC Form 114-D, Order and Hearing for Placement in Segregated Housing.
- CDC Form 839, Classification Score Sheet.
- CDC Form 108-A, Chrono Sheet - Classification (all CDC Form 128-G Chronos).
- Other related forms and documents.

#### **72030.4.4 Disciplinary Section**

- CDC Form 804, Notice of Pending CDC 115.
- CDC Form 115s, Rules' Violation Reports and attached Incident Reports.
- CDC Forms 629-A, Segregation Housing Unit (SHU) Term of Initial Confinement, and 629-B, Redetermination of SHU Confinement Term.
- DA response.

- Other incident reports.

#### **72030.4.5 General Chronos Section**

- CDC Form 108, Chrono Sheet - General (CDC Form 128-A).
- CDC Form 958, Application for Restoration of Credit.
- CDC Form 108, Chrono Sheet - General (CDC Form 127, Notice in Case of Death or Illness and all CDC Form 128s except for A, B-1, E and G).
- CDC Form 109, Chrono Sheet - Work Reports (all CDC Forms 101 and 128-E Chronos).
- Other related forms and documents.

#### **72030.4.6 Miscellaneous Section**

- CDC Form 191, Inmate Time Cards and Time Chronos (taped on an 8" x 11" sheet of paper).
- CDC Form 602, Inmate/Parolee Appeal Form.
- Miscellaneous correspondence.
- CDC Form 345, Power of Attorney and Authorization for Deposit.
- CDC Form 601, Temporary Community Leave Request.
- CDC Form 1604, Agreement to Participate in Community Work Furlough Program.
- Other related forms and documents.

#### **72030.4.7 Detainers Section**

- CDC Form 850, Detainer Summary.
- Detainers (all documents related to specific detainers together).
- All nonconfidential notices.
- Advance release notices.
- Other related forms and documents.

#### **72030.4.8 Parole Section**

- Parole violation/activity reports.
- CDC Form 102, Statement Release.
- CDC Form 1515, Notice and Condition of Parole.
- DOJ Form SS 8047, Notice of Registration Requirement.
- CDC Form 611, Release Program Study.
- Other related forms and documents.

#### **72030.4.9 BPT and NAEA Section**

- Addenda.
- Permanent addenda.
- Board decision forms.
- BPT /NAEA Appeals.
- Board generated psychiatric reports.
- Other related forms and documents.
- Like documents grouped together.

#### **72030.4.10 Microfiche Section**

- Microfiche duplicate copy of previously filmed records.

#### **72030.4.11 Confidential Section**

- Confidential file folder containing material designated as confidential.

#### **72030.5 Movement of Records**

All inmate case records, C-File, subsidiary records, and inmate records' cards shall be moved with the inmate at time of transfer.

##### **72030.5.1 Transfers**

See DOM 72010 for use and preparation of CDC Form 134, Records Transfer Check Sheet.

- The facility case records office shall provide an advance transfer notice to each facility department of the names and identification numbers of each inmate scheduled for transfer.
- The notice shall include the inmate's destination, date, and time of transfer, and the date and time the records are required to be delivered to the case records office.
- Each facility department shall deliver to the case records office their respective records at the time stated.
- In the event of emergency transfer and/or time does not permit advance written notice, case records staff shall telephone the departments and request immediate delivery of the records.
- The sending facility/parole region shall affix all material in C-File prior to transfer.
- All case records for each inmate shall be transferred with the inmate to the receiving facility, except as provided in DOM 72030.7.
- Legal documents and worktime records received after the case records have been transferred shall be forwarded expeditiously by First Class Mail to the CCRM of the receiving facility.
- Parole violators will have files returned from parole regions to the receiving facility as provided in DOM 75010.14.3.

#### **72030.6 Transfer of ID and Privilege Cards**

The receiving and release (R&R) sergeant of the sending facility shall collect and process inmates' identification and privilege cards.

The two cards for each inmate shall be bound together with a small rubber band with the identification (ID) card on top.

Cards are retained together for immediate return to the inmate upon arrival at the receiving facility.

Receiving and release staff shall circle the privilege group designation on the CDC Form 135, Transfer Record, to indicate that the cards have been picked up and transferred with the inmate.

The receiving facility shall ascertain that all ID and privilege cards have been delivered by the transporting staff and are returned to the inmates upon arrival at the facility.

#### **72030.7 Transfers Out-to-Court**

*Revised October 2, 1992*

When an inmate is transferred to another facility for out-to-court release, the following listed records only shall be transferred with the inmate:

- CDC Form 103-B Card.
- Health Record (medical/psychiatric file).
- CDC Form 120, Visiting Records Card.
- Chrono or memos setting forth any special handling or needs.
- Photocopy of transfer FAX or removal order.
- Photocopy of last CDC Form 128-G.
- Photocopy of CDC Form 812/812(a)/812(b).
- Photocopy of CDC Form 839/840.
- Photocopy of up-to-date legal status summary.
- Photocopy of current Abstract of Judgment(s).
- CDC Form 801, Departmental Detainer.
- Two photographs.

The records shall be placed in a manila envelope clearly labeled with the inmate's name and CDC number.

All other case records shall be retained at the sending facility/region (community correctional facility cases).

Sending facility staff shall be responsible for all casework and term computations.

The en route facility shall ensure that any body receipts, court documents, or any other case material is forwarded with the inmate at the time of their return to the sending facility.

##### **72030.7.1 Parole/Discharge While Out-to-Court**

If an inmate paroles/discharges while out-to-court, the sending facility shall notify the en route facility and the holding law enforcement agency to remove the Department's detainer.

The sending facility shall notify the parole unit and region staff of the change in status and the parolee's location.

Both facilities shall ensure that all of the inmate's records are forwarded to the designated region case records office.

If the inmate discharges while out-to-court, the en route facility shall return all of the records to the sending facility where they shall be retained in hard copy one year and then processed as in DOM 71020.5.4.

Both facilities shall ensure that all of the inmate's records are forwarded to the sending facility.

##### **72030.7.2 Paroled Cases**

*Revised October 2, 1992*

When an inmate is released to parole, all case records shall be forwarded to the appropriate region case records office no later than 10 working days after release.

Facility departments shall review the daily movement sheet each day and shall immediately forward the records of each released inmate to the case records office.

##### **Miscellaneous File Material**

Miscellaneous file material received in the case records office, after the records have been forwarded to the region case records office, shall be screened by supervisory staff. Only material that may affect the security of the facility or inmate shall be forwarded to the region for filing.

A CDC Form 134 shall be prepared and completed.

All records for each inmate shall be secured together for packaging and shipping.

##### **Legal Documents**

Legal documents received after the records have been forwarded shall be expeditiously mailed by first-class mail to the CCRM of the appropriate parole region.

##### **72030.7.3 Discharged Cases**

*Revised October 2, 1992*

Region case records staff shall microfiche each inmate's/parolee's records within 30 days of discharge.

Records of all inmates/residents discharged directly from the facility shall be forwarded to the appropriate region to be microfiched.

<b>Region I</b>	<b>Region II</b>	<b>Region III</b>	<b>Region IV</b>
FSP	SQ	CCI	RJD
MCSP	CTF	COR	CVSP

CCC	PBSP	CIM	CRC
NCWF	DVI	NKSP	CIW
SCC	ASP	WSP	CMC
CMF	CCWF		LAC
SOL	VSPW		CAL
			ISP

If the microficheing is contracted to a private vendor, the region case records office shall ensure that the records are processed and forwarded to the Archives Unit.

The microfiche format shall follow the order of filing for C-Files.

File material from satellite records, visiting, education, etc., which are included in the C-File, shall be microfiched on the appropriately designated or miscellaneous microfiche.

#### **Not to be Microfiched**

The following records shall not be microfiched and the hard copies of these files shall be forwarded to the Archives Unit with the microfiches of the C-File:

- Medical and psychiatric files.
- Fingerprint cards.
- Photographs.
- Files of discharged "Z" cases (those referred for diagnostic commitment under PC 1203.03).

Facility/region case records staff shall process cases of deceased inmates as provided in DOM 71020.5.8.

#### **72030.7.4 Previously Microfiched Cases**

C-Files that contain fiches in the old microfiche format:

- The previous master and duplicate fiches shall be placed in envelopes labeled "old format."
- All new fiches shall be made in the revised format and placed in separate envelopes.
- The envelope containing the old master fiches shall then be securely fastened together with the envelope containing the new master fiches to form one file for shipment. The envelopes containing the old and new duplicate fiches shall likewise be secured together to form another file for shipping.

One master and one duplicate set of fiches, excluding the confidential folder, shall be made and sent to the Archives Unit located at CMF in Vacaville.

#### **72030.7.5 Confidential File Folder**

The C-File confidential folder, the folder master, and the duplicate fiches (fiche #10, confidential) shall be sent to the ID/Warrants Unit. The ID/Warrants Unit shall fiche the confidential material.

#### **72030.7.6 Shipping Files to Archives**

Any files (master or duplicate fiche, or hard copy) sent to the Archives and ID/Warrants Units shall be accompanied by a CDC Form 134, Records Transfer Check sheet, which clearly indicates the inmate's/parolee's full name, CDC number, and the date of their discharge. Microfiche and hard copy files shall be forwarded from the parole regions to the Archives Unit no less than once a week.

All masters and duplicates shall be shipped and stored in such a manner as to prevent mutilation or destruction. Masters shall be packaged and mailed separately from the duplicates to prevent chemical damage to the masters and to reduce the risk of loss.

Case records staff shall determine if the used C-File folders are reusable. Serviceable folders shall be shipped to the nearest reception center for reuse and unserviceable folders discarded.

#### **72030.7.7 Disposition of File Material After Microficheing**

Upon completion of microficheing, the DGS or the State-approved local contractor shall be contacted to destroy the original file documents.

#### **72030.8 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

#### **72030.9 References**

PC § 2081.5.

DOM § 71020.

## ARTICLE 6 — DETAINERS

*Revised April 1, 1992*

### **72040.1 Policy**

Detainers shall be processed in a uniform manner to ensure proper disposition.

### **72040.2 Purpose**

This section sets forth the procedures for the uniform processing of detainers placed against inmates by other agencies or those placed with another agency by the Department.

### **72040.3 Detainers**

Detainers are written documents received from any facility or law enforcement agency indicating that an inmate is wanted by that agency and specifies the basis for the detainer.

Detainers are placed by the Department on any inmate released to another agency prior to their parole or discharge date. These detainers are covered in the DOM 72040.10. Detainers may also be referred to as "holds" or "wants". However, they shall be referred to as "detainers" for this manual.

### **72040.4 Detainers From Other Agencies**

A letter or FAX from any facility or law enforcement agency requesting that a detainer be placed on an inmate shall be considered sufficient authority for placement of a detainer.

If a detainer is received after an inmate has been released to parole or discharge, the following action shall be taken:

- If the detainer indicates felony offense and the inmate has been released to parole, case records staff shall telephonically notify the receiving parole regional office as soon as possible and shall send an omnifax copy of the detainer to the parole regional office within three working days.
- Case records staff shall also notify the detainer issuing agency by FAX or telephone as soon as possible advising them of the released person's status and the address of the supervising parole office. Within three working days after notification, the detainer shall be returned by USPS to the issuing agency.
- If the inmate has been released to discharge, the case records staff shall notify the issuing agency by telephone or FAX of the released person's status and return the detainer by USPS.
- If the detainer indicates other than a felony offense, the detainer shall be returned by USPS to the issuing agency within three working days after notification advising them of the released person's status. In the case of parolees, the issuing agency shall be advised of the address of the supervising parole office.
- All such actions shall be entered in the holds/warrants/detainers (HWD) log.

Unless authorized by the Director, no employee of the Department shall request that a detainer be lifted or make an appeal on behalf of an inmate.

If a justifiable hardship is placed on an inmate because of the continuance of a detainer, the Warden shall present a factual statement concerning the circumstances to the Director. Further action shall be taken only with the Director's approval.

### **72040.5 HWD System**

The HWD system ensures that information regarding any specific or potential detainer is recorded and called to staff attention within four hours of receipt to determine what effect, if any, the hold might have on the inmate's custody.

#### **HWD Coordinator**

A correctional case records specialist (CRS) shall be designated as the HWD coordinator and shall be under the direct supervision of the correctional case records supervisor (CCRS).

#### **CCRS**

In the absence of the HWD coordinator, the CCRS shall be the HWD coordinator. They shall also review, for completeness and accuracy, the HWD log weekly as well as sign each line entry of the log.

#### **Designated HWD Evaluator**

Designated staff are responsible for evaluating holds and determining whether or not immediate action is necessary. This action may include notifying the watch commander for consideration of higher custody placement and/or notifying the Correctional Counselor or C&PR for casework follow-up. This decision shall be recorded on the CDC Form 850, Detainer Summary, under section "Initial Action Taken" and signed.

- Designated staff shall also review detainers received on inmates temporarily housed (en route and out-to-court), as the receiving facility may no longer be appropriate based on the offense. In such cases, the C&PR at the receiving facility shall be contacted.

The Warden or RPA is authorized to designate staff to evaluate detainers. However, this responsibility shall not be sub-delegated. Those delegated to evaluate detainers shall come from one of the following staff positions:

- C&PR
- Watch Commander
- Captain
- Captain/AW
- Assistant RPA
- CC-II

The designated evaluator shall immediately restrict the inmate's movement to ensure the security of the facility and the public if the evaluation warrants.

**Note:** The title of the position designated shall be submitted to the Deputy Director, Institutions, with a copy to the LAD-PMU.

### **72040.5.1 Responsibility**

The following positions have certain responsibilities to ensure that the detainer system works accurately:

### **Mail Room Supervisor**

The mail room supervisor shall establish a procedure to ensure that all correspondence to the facility which may include actual or potential hold information is immediately delivered to appropriate records personnel. Such correspondence includes communication from other law enforcement agencies, the DA, USINS and any out-of-state prison or parole division.

**Note:** Inmate mail from the above agencies shall not be delivered to the records office.

### **Case Records Staff**

All HWD correspondence received by mail, FAX or included in the prison package (reception center cases) shall be immediately opened, date/time stamped, initialed and delivered to the HWD coordinator. Telephonic communication that indicates an inmate may be wanted shall be referred to the HWD coordinator or to designated staff, if the coordinator or CCRS is not available.

### **HWD Coordinator**

The coordinator shall prepare letters of inquiry or initiate FAX requests to resolve potential holds based on the CDC Form 850's completed by facility staff and complete necessary follow ups on any communication received from law enforcement agencies. The CDC Form 850 shall be attached to the top of the detainer section of the C-File and all such actions shall be entered in the HWD log.

- The coordinator's initial request to obtain information (i.e., to request issuance of the hold to the Department) shall be completed within two working days with follow up at the nine-month, 60-day and 10-day audits prior to release. Telephonic follow up should be used at the 10-day audit.

If a detainer exists or is believed to exist on an inmate, the HWD coordinator shall prepare a CDC Form 850 documenting the pertinent facts, further identifying, by placing a "P" for a potential hold or an "A" for an actual detainer; in the upper right-hand corner of the form, and immediately contacting the designated staff person responsible for evaluating the potential detainer. The designated staff person shall note the immediate action taken on the CDC Form 850, sign the entry and return the document to the HWD coordinator.

- The coordinator shall record any information regarding an actual or potential detainer on a CDC Form 976, HWD Log . This includes information received in the form of documentation, telephonic information, untried indictments, hearsay, inmate statements, etc.. Each line entry on the log shall be initialed by the HWD coordinator, and the log shall be reviewed by the CCRS.

The HWD coordinator and OBIS operator shall follow the same procedures outlined in DOM 72040.5.2.

### **Correctional Counselor**

Upon an inmate's arrival the counselor shall interview the inmate and review all available reports, including, but not limited to:

- POR
- Abstract of Judgment
- Sentencing transcript
- Parole reports
- Arrest history from CI&I and FBI SSCHs.

The counselor shall complete and sign the CDC Form 850 for all felony arrests without dispositions that occurred within two years of the date the inmate was last received by the Department. The counselor shall also complete and sign the CDC Form 850 for misdemeanor offenses that occurred during the same period for inmates who are within three months of release at reception.

- The form shall also reflect comments made by the inmate which pertain to recent criminality or references to criminal acts that might be found in the C-File.

This form shall be promptly forwarded to the HWD coordinator for follow-up.

**Note:** Counselors at receiving facilities shall review the inmate's C-File and complete an additional CDC Form 850 if information is found to warrant such.

### **Watch Commander**

The watch commander shall review the CLETS terminal every four hours during first watch, third watch, and on weekends. They shall complete a CDC Form 850 on all actual or potential detainees received.

They shall also designate the inmate's custody based on potential or actual detainees received and send a notice to the inmate's counselor, requesting proper and immediate classification action. The CDC Form 850 shall be delivered to the HWD coordinator for follow up.

When the records office is closed the watch commander or AOD shall contact the Identification (ID)/Warrant Unit at (916) 445-6713 or ATSS 485-6713 and request an OBIS inquiry of detainees before moving any inmate to lower custody placement.

### **C&PR**

Prior to any temporary community leave (TCL), the C&PR or other designated staff shall review the inmate's C-File for hold information and complete the request for temporary leave/removal form.

Prior to release to work furlough or parole, the C&PR shall review the inmate's C-File for detainer information and complete the CDC Form 128-G for community correctional center/parole.

### **CSR**

Before approval for transfer of any inmate, the CSR shall review the inmate's C-File for detainer information and, if appropriate, take the required action.

### **72040.5.2 Information on Detainers/Potential Detainers at Reception Centers**

Incoming mail or other communication from a police department, sheriff or DA's office, the USINS, any federal law enforcement agency, or an out-of-state prison or parole division shall be immediately opened, time stamped, and initialed. The inmate's location shall be determined immediately.

### **Case Records Staff**

All detainees shall be promptly hand-carried to the HWD coordinator.

All information received either at the time of an inmate's arrival or prior to the inmate's arrival, which indicates the subject may be involved in other crimes where a detainer may exist, shall be given to the HWD coordinator (except traffic violations.).

Letters of inquiry shall be initiated on matters meeting the criteria for a potential detainer.

### **Potential Detainer Criteria**

Information considered as a potential detainer shall be:

- Felony arrests, without disposition, that occurred within two years of the date the inmate was received by the Department.
- Inmate comments about recent criminal acts.
- References to recent criminal activity in file material.
- Misdemeanor offenses, without disposition, that occurred within two years of the date the inmate was last received by the Department, if the inmate is within three months of release at the time of reception.
- Any indication the inmate may be wanted by USINS.

#### **Actual Detainer**

In the reception centers, actual detainers that are included with the "prison package" or arrive before the counselor has begun processing the case shall be reviewed by the HWD coordinator who will sign off the HWD log in the "Initial Disposition" section as an unprocessed case. These detainers shall not be referred to the designated staff member unless there is an apparent security risk such as a potential life term or extremely long determinate sentence.

#### **HWD Coordinator**

A detainer included with information received at the time of the inmate's reception or the detainer arrives before the case has been processed, the HWD coordinator shall review it, prepare a CDC Form 850, and document receipt on the HWD Log as an unprocessed case (as noted above) with necessary paperwork to resolve. The detainer shall then be processed as part of the inmate's prison package by the counselor during the reception center processing.

#### **72040.5.2.1 Permanently Assigned Inmates to Reception Centers**

Reception centers shall not be required to initiate or follow-up potential HWD requests except for those inmates who are permanently housed at the reception center or pending imminent release. It shall be the responsibility of the receiving facility to review the inmate's C-File for any CDC Form 850s initiated at the reception center and to complete the initial inquiry and any required follow-up as previously specified.

- If a move to work furlough, parole, or TCL is approved, the HWD coordinator shall query the OBIS HWD file within 24 hours of the actual move. If there are no holds, the approval of the move shall not be affected. If a "hold" is received on the same day or subsequent to the approval of a move, the HWD coordinator shall immediately notify the C&PR or the Assistant Regional Administrator for review of the move approval and action in accordance with aforementioned procedures for processing detainers.
- CLETS inquiries shall be made on all inmates prior to parole or discharge to determine if the inmate is wanted.

#### **72040.5.3 Inmate Housed at Facility/Community Correctional Facility**

If a detainer is for an inmate housed at a facility/community correctional center, the following shall be accomplished:

#### **OBIS Operator**

The OBIS operator shall enter the information into the computerized HWD file which sets a "flag" in OBIS and on the computer output microfiche (COM). They shall date and initial the "Computer Input" section of the HWD log when information is entered by them.

#### **HWD Coordinator**

The HWD coordinator shall:

- Indicate in the HWD Log that the information has been placed into the HWD file, initial the entry, and note the name of the OBIS operator.
- Verbally notify the facility counselor or community correctional center Parole Agent and/or designated evaluator, and promptly follow-up with a written notice.
- Notify the inmate in writing that a detainer has been received and recorded using a CDC Form 661, Detainer Memorandum. A copy of the detainer shall be provided to the inmate and they shall be advised what action may be taken to request disposition of the detainer.
- Acknowledge receipt of the detainer with a letter sent by First Class Mail to the issuing jurisdiction.
- Request additional information, if information not contained in the original letter or document is needed for classification, clarification or other purposes.
- Post the information on the CDC Form 112, Chronological Inmate History, and CDC Form 144, Control Card.
- File the detainer, CDC Form 850, and related correspondence in the HWD section of the C-File.
- Enter the actions in the HWD Log.

#### **72040.5.4 Inmate Not Housed at a Facility**

If a detainer is for an inmate at another departmental location, the following shall be accomplished:

#### **OBIS Operator**

The OBIS operator shall enter the information into the computerized HWD file.

#### **HWD Coordinator**

The HWD coordinator shall:

- Promptly notify the affected location by telephone or FAX and forward the detainer by First Class Mail to the attention of the HWD coordinator.
- Enter the actions in the HWD Log.

#### **72040.5.5 Potential Detainer**

*Revised February 28, 1995*

#### **Counselor**

Where there is any indication of a potential detainer, the counselor shall provide as much information as possible on the CDC Form 850 and hand-carry it to the HWD coordinator.

#### **HWD Coordinator**

The HWD coordinator shall:

- Immediately contact the designated staff member responsible for evaluating the necessity for immediate action.
- Within two working days after receipt make initial contact with the agency which may hold the warrant/detainer using the FAX or a letter of inquiry to request issuance of a detainer.
  - A copy of the supporting document (from which the inquiry information is obtained) is to accompany the information request.

- Follow-up at the 60-day and 10-day audits. (Follow-up at the 10-day audit shall be by telephone.)
- Complete the CDC Form 850 and attach it to the top of the detainer section of the C-File.
- Enter action taken in the HWD Log and note with a "P" (potential).
- When a detainer is received, update the log, file information, and change the status to "A" (active) following the appropriate steps (seeDOM72040.3.2).

#### **72040.5.6 Detainer Not Identified as Department Inmate**

If a detainer is received for a person not identified as being in the Department's custody, the HWD coordinator shall:

- Telephone the jurisdiction which issued the detainer for possible additional identification data.
- If still unable to identify, return the detainer to the issuing jurisdiction and advise that the subject is not in the Department's jurisdiction.
- Enter the action in the HWD Log.

#### **72040.5.7 Detainer Review Prior to Parole/Release to Community Correctional Center**

Prior to parole or transfer to a community correctional center, the HWD coordinator shall query the HWD file within 24 hours of actual movement. If a detainer arrives on the same day or subsequent to the approval of the move:

- The HWD coordinator shall immediately notify the C&PR and the Assistant RPA for review of the move.
- The C&PR or Assistant RPA shall notify the HWD coordinator of their decision from the review.

#### **72040.5.8 Detainer Received After Release or Discharge**

If a detainer is received after an inmate has been released to parole or discharge, the following action shall be taken:

If it indicates a felony offense and the inmate has been released to parole, case records staff shall telephonically notify the receiving parole regional office as soon as possible and shall send an Omnifax copy of the hold to the parole regional office within three working days.

- Case records staff shall also notify the detainer issuing agency by FAX or telephone as soon as possible advising them of the released person's status and the address of the supervising parole office. Within three working days after notification, the detainer shall be returned by USPS to the issuing agency.

If the inmate has been released to discharge, the case records staff shall notify the issuing agency by telephone or FAX of the released person's status and return the detainer by USPS.

If the detainer indicates other than a felony offense, the detainer shall be returned by USPS to the issuing agency within three working days after notification advising them of the released person's status. In the case of parolees, the issuing agency shall be advised of the address of the supervising parole office.

*Note:* All such actions shall be entered in the HWD log.

#### **72040.6 Inmate Notification of Detainer and Request for Disposition**

An inmate may request disposition of a detainer, in writing, directed to case records staff who shall prepare the required legal forms for signature by the inmate. Counseling staff are responsible for delivery of the forms to the inmate, witnessing the signature of the inmate, and return of these forms to records.

##### **72040.6.1 Disposition of California Detainers**

If the detainer is from a California agency for untried charges, the inmate may request disposition of pending charges by filing a CDC Form 643, Demand for Trial in accordance with the provisions of PC 1381.

##### **Untried Charges**

Demands for trial should not be initiated in the reception centers.

##### **Case Records Staff**

Case records staff shall mail the CDC Form 643 to the DA by certified mail, return receipt requested.

##### **Trial Within 90 Days**

PC 1381 stipulates a person must be brought to trial within 90 days after written notification of the place of confinement. The 90-day period starts the day the DA acknowledges receipt of the CDC Form 643.

##### **Case Records Staff**

If the inmate is not brought to trial at the conclusion of the 90-day period, case records staff shall prepare:

- A CDC Form 668, Affidavit in Support of Motion to Dismiss Pending Charges.
- A CDC Form 669, Motion to Dismiss Criminal Charges Pending.
- A CDC Form 670, Order of Dismissal.
- A CDC Form 1006, Cover Memo - Motion to Dismiss.

All of these forms shall be forwarded to the court having jurisdiction of the matter.

##### **Violation of Probation**

If the detainer is for violation of probation in a California county, the inmate may file a request for disposition of probation in accordance with provisions of PC 1203.2a.

A CDC Form 616, Request for Disposition of Probation, Waiver of Appearance and Right to Attorney (PC 1203.2a), shall be used to request disposition of probation.

##### **Inmate**

The inmate may fill out a CDC Form 616 and forward it to case records.

##### **Case Records Staff**

Upon the inmate's written request, case records staff shall:

- Prepare the form for signature by the inmate.
- Mail the completed form to either the Superior Court or probation officer by certified mail, return receipt requested.

#### **72040.6.2 Out-of-State or Federal Detainers on Untried Charges**

When a detainer for untried charges is lodged by an agency of the federal government or an agency of a member state of the interstate agreement on detainers (IAD), the interstate form provided shall be used to notify the inmate of the detainer and to request disposition of the pending charges.

The IAD does not apply to violation of probation or violation of parole.

PC 1389 provides for the surrender of temporary custody of a prisoner to the jurisdiction of the federal government or another state which is signatory to the IAD where they are wanted for prosecution, except Louisiana and Mississippi.

#### **72040.6.2.1 Non-Member State of IAD**

If a detainee is lodged for untried charges by an agency of a state which is not a member of the IAD, the inmate may only be released for trial in accordance with an executive agreement between governors in compliance with PC 1549.

#### **72040.6.2.2 Custody Requested**

When a prosecutor requests custody of an inmate pursuant to PC 1389, Article IV, the following shall be done:

##### **Case Records Staff**

Case records staff shall provide the inmate (by their counselor) with a copy of the explanation of inmate's rights under article IV of the interstate agreement.

Afford the inmates an opportunity to sign a form II of the IAD wherein the inmate waives extradition to:

- The proceedings contemplated in the requesting state.
- Serve sentence after completion of the California sentence.

##### **Court Arraignment**

If the inmate does not sign a form II, case record staff shall make arrangements for the inmate to be taken before a magistrate prior to the offer of temporary custody being issued (PC 1550.1).

The purpose of the court arraignment is to give the inmate an opportunity to waive their right to petition for a Writ of Habeas Corpus and to waive the 30-day period for the Governor's intervention.

##### **Inmate Waiver**

This waiver is accomplished by the inmate completing a CDC Form 1668-A, Agreement to Temporary Transfer of Custody in the presence of the court and the court signing the form.

##### **Inmate Does Not Waive**

If the inmate refuses to waive their rights, the court shall fix a reasonable time for the inmate to file a petition for a Writ of Habeas Corpus. When the time has elapsed, a hearing guided by extradition law shall be held.

#### **72040.6.3 Inmate Demands Trial**

If the inmate demands trial and waives extradition by executing Form II, a court arraignment is not required and case records staff shall proceed on the basis of the inmate's demand for trial pursuant to PC 1389, Article III.

##### **72040.6.3.1 Guidelines/Instructions**

Instructions for the preparation, distribution and use of the various forms are contained in the heading of each form.

##### **Case Records Staff**

The case records office shall mail all forms by certified mail, with a return receipt requested.

#### **72040.6.4 Out-of-State or Federal Detainers for Un-Sentenced Convictions**

Tinghitella v. California (9th CC, 1983) held that an inmate has a statutory right under the IAD to be sentenced in absentia within 180 days after delivery of an appropriate demand for sentencing.

The court held that the IAD applies to sentencing as well as to untried indictments and thus where there is proper demand for return for sentencing said demand must be met.

The court held however that an inmate is not entitled to demand to be transferred to another jurisdiction for the purpose of sentencing if they fled that jurisdiction after conviction but before sentencing.

##### **72040.6.4.1 Inmate Demands Sentencing in Absentia**

If an inmate demands sentencing in absentia to any agency of the federal government or an agency of a member state of the IAD, case records staff shall notify the inmate of their rights by CDC Form 1673, "Notice of Conviction..." A request for sentencing shall also be executed by CDC Form 1674, "Inmate's Notice of Place..."

##### **72040.6.4.2 Detainer Lodged**

If a detainee is lodged by an agency of the federal government or an agency of a member state of the IAD, case records staff shall notify the inmate of the detainee and their right to demand sentencing.

##### **72040.6.4.3 Request for Temporary Custody**

If a request for temporary custody is received from any agency of the federal government or an agency of a member state of the IAD, the following shall be done:

##### **Case Records Staff**

Case records staff shall advise the prosecuting officer that the inmate waived the right to be present for sentencing by absconding from the jurisdiction of the court and may be sentenced in absentia on CDC Form 1675, "Notice of Inmate's Right to..."

##### **72040.6.4.4 Forms/Instructions**

Instructions for the preparation, distribution and use of the forms are contained in the heading of each form.

##### **Case Records Staff**

Case records staff shall mail all forms by certified mail, with a return receipt requested.

#### **72040.6.5 Out-of-State or Federal Incompleted Sentence**

If a detainee is lodged on the basis of an incompleted prior prison term by a facility or paroling agency of another state or the federal government, the provisions of the court decision In re Stoliker are applicable (see DOM 72040.9 for instructions).

#### **72040.7 Notification to Filing Authorities**

*Revised February 28, 1995*

Each agency that filed a detainer against an inmate shall be notified of the inmate's pending release or parole 90 days prior to the tentative release date.

The Department shall release an inmate to the agency that placed the first detainer. However:

- If multiple detainers are on file, and one is based upon a judgment and sentence to a prison term, the initial offer of custody shall be to the agency holding the prison term detainer.
- The USINS will not assume custody of inmates for deportation proceedings unless the inmate has completed/taken care of all pending legal issues, including misdemeanor charges, or if other agencies which have placed a detainer have declined to take custody.
  - When multiple detainers are on file and the inmate is released to one of the detainers, the remaining detainers shall be given to the transporting officers. The other agencies shall be notified of the release and of the agency that assumed custody.

In the case of an inmate's death, the detainer shall be returned to the notifying agency. Subsequently, the HWD coordinator shall delete the inmate's entire HWD computerized history.

#### **72040.7.1 Notification Letter to Federal Agency**

Case records staff shall send the notification letter to the U.S. Marshal of the district in which the facility is located. The letter shall state which marshal's office filed the detainer, the inmate's current release date, and whether the inmate is eligible for a parole date advancement.

A copy of the letter shall also be mailed to the:

- U.S. Marshal's office that filed the detainer.
- Bureau of Prisons, U.S. Bureau of Prisons Correctional Programs, 1301 Shoreway Road, Fourth Floor, Belmont, CA 94002.

#### **72040.8 Release to a Detainer**

*Revised February 28, 1995*

An inmate/parole violator may be released directly to the agency lodging the detainer. Pursuant to PC 4755, any inmate who has a detainer lodged against them by law enforcement or other agency may be:

- Released within five calendar days prior to or five calendar days after the scheduled parole release date. If more than 400 miles away, release may be five court days prior or five court days after the scheduled parole release date.
- Released within five calendar days prior to the scheduled discharge date. PC 4755 does not authorize CDC to hold an inmate beyond their discharge date.

This release procedure permits other agencies to pick up departmental inmates and transport them during regular business hours or, in some instances, at a more convenient time. (Exception: See DOM 72040.8.1 for USINS requirements.)

These parolees are entitled to release funds under PC 2713.1. In these cases, P&CSD staff shall delay in requesting release funds from the facility of release either until after the parolee is released from local custody or until the release date from local custody has been determined. Cash assistance or vouchers shall be provided pending receipt of release funds.

#### **72040.8.1 USINS**

The USINS regulations prohibit retention beyond 48 hours after the scheduled parole release date.

Parolees released to USINS are not entitled to release funds under PC 2713.1. However, they shall be provided cash assistance in a like amount by parole staff in the event they are released pending or following deportation hearings.

#### **72040.8.2 Release to Another State by Violation of Parole**

PC 11177 provides that a parolee from another state may be returned to the state of original conviction for violation of parole if the parolee is residing in California pursuant to the provisions of the interstate parole compact.

An inmate being discharged or paroled may be released directly to an agent of another paroling agency only if:

- The detainer is for violation of parole.
- The inmate was legally residing in California and under supervision of the P&CSD, Interstate Unit, at the time of their incarceration on the California term.

Prior to releasing any inmate to an agent of another state, case records shall confirm that both of the above conditions exist by writing to the compact administrator of the other state.

When an inmate is to be released to an agent of another state, case records staff shall arrange for the inmate's release at a time convenient to the transporting officers within normal business hours.

#### **72040.8.3 Release to Subsequent Prison Commitments**

*Revised October 2, 1992*

An inmate may be released on parole directly to the agent of another jurisdiction when the detainer is based upon a conviction and sentence only if:

- The commitment in the receiving state is subsequent to the California commitment.
- The inmate had initially demanded trial in the receiving state in accordance with the provisions of the IAD or waived their rights before the court by signing CDC Form 1688A, Form V-A.
  - A copy of the inmate's request (Agreement on Detainers, Form II) or inmate's waiver (Agreement on Detainers, Form V-A) is in the inmate's C-File.

If, however, the inmate's initial release to the receiving state was under Article IV of the Agreement on Detainers (the prosecutor requested temporary custody and the inmate did not sign the Form II of the Agreement on Detainers), the executive authority of the receiving state shall forward a requisition to the Governor's office to initiate formal extradition procedures and an extradition hearing shall be held.

#### **Case Records Staff**

When an inmate is to be released to an agent of another state, case records staff shall arrange for release of the inmate at a time convenient to the transporting officers within normal business hours.

#### **72040.8.4 Extradition**

See DOM 72050 of this manual for information.

#### **72040.9 Deletion of HWD Computerized History**

The HWD coordinator shall ensure that an inmate's entire HWD computerized history is deleted whenever they are paroled/discharged to hold.

When the records office receives notification that a detainee previously placed on an inmate has been dropped or expired, the HWD computerized history for that detainee shall be deleted.

#### **72040.10 Concurrent Jurisdiction Transfer**

In re Stolyer (1957) 49 Cal. 2d 75 requires that the Department make an inmate available to the U.S. Attorney General or their authorized representative for concurrent service of a previously imposed federal term.

While the decision referred specifically to federal terms, subsequent interpretation by the courts has applied the decision to states as well. A superior court order and Attorney General's Opinion applies In re Stolyer to any concurrent case regardless of which term was first imposed.

In re Stolyer does not apply to California sentences ordered to run consecutively with other jurisdiction sentences.

#### **72040.10.1 Processing of Requests**

*Revised October 2, 1992*

Inmates with detainees for unexpired sentences from other jurisdictions may submit a written request to the Director for transfer to the other jurisdiction for service of their sentence concurrent with the California sentence. The request shall be submitted to the facility CCRM for processing.

##### **Case Records Manager**

The CCRM shall process the inmate's request on a CDC Form 1168, Nature of Transfer Availability--In re Stolyer to officials of the other jurisdiction to determine if that jurisdiction agrees to assume custody of the inmate.

Information on referrals shall be sent to the correctional agency or department of the state placing the detainee or the U.S. Bureau of Prisons (see DOM 72040.7.1) and shall include:

- The California offense.
- The California sentence.
- The anticipated California release date.
- A copy of the most recent progress report.
- A copy of the detainee and accompanying documents.

##### **Agency Declines Custody**

If the other agency declines to take custody after notification of availability of the inmate, case records staff shall notify the inmate.

##### **Transfer of Records**

Upon transfer of an inmate to another jurisdiction, the case records staff shall place a CDC Form 801, Notice of Detainee, with a certified copy of the commitment papers and transfer all records to Region I, Attention: Sacramento Central Office (SACCO). An appropriate entry shall be entered into OBIS.

If an inmate escapes, is subsequently convicted and sentenced to a period of confinement to another jurisdiction, whether it's consecutive or concurrent to the California sentence, and if the inmate remains in the other jurisdiction, the case records staff shall place a CDC Form 801, with a certified copy of the California commitment papers and transfer all records to Region I, Attention: SACCO. An appropriate entry shall be entered into OBIS.

#### **72040.10.2 Return of Inmate to the Department**

Inmates transferred under In re Stolyer shall be returned to the Department's custody when ready for release from the other agency if their California term has not been completed.

Inmates transferred In re Stolyer shall waive extradition prior to leaving the state of origin.

If the inmate shall not waive extradition, formal extradition procedures shall be initiated. Region I staff shall be kept advised of the status of each case so extradition papers can be processed before the release date.

#### **72040.10.3 Concurrent Federal Sentences**

Case records staff shall notify federal authorities when a prisoner serving a federal sentence concurrent with a State term is received at a facility and/or transferred within the Department. Notification shall be mailed to the U.S. Bureau of Prisons (see DOM 72040.7.1).

##### **Case Records Staff**

When an inmate is transferred to federal custody under In re Stolyer, case records staff shall send a certified copy of the judgment(s) and a letter to the facility where the inmate is confined.

#### **72040.11 Departmental Detainees**

A CDC Form 801 shall be placed with the receiving agency for the following inmates released to another agency:

- Escapees who are apprehended and in the custody of another agency.
- Inmates released under the interstate agreement on detainees (PC 1389).
- Inmates released under executive agreement (PC 1549).
- Inmates released under the uniform act to secure witnesses from outside the State in criminal acts (PC 1334).
- Inmates serving sentences in other jurisdictions.
- Inmates released to California agencies for trial, witnesses in criminal cases or civil proceedings in parental or marital cases (PC 2620, 2621, and 2625).
- Inmates released to another jurisdiction's detainee pending parole (PC 2690 and 4755).

The detainee shall be placed to ensure that the inmate is returned to Department custody to serve the unexpired portion of existing sentences or ensure that the inmate remains in custody until the California scheduled parole release date.

##### **Case Records Staff**

Case records staff shall prepare the CDC Form 801 in triplicate:

- A notation shall be made to contact the Department's case records office prior to release of the inmate by the receiving jurisdiction.
- If the inmate is released to a detainee pending parole, a notation shall be made not to release prior to the actual parole date.

- If an inmate paroled/discharges while out-to-court, the sending facility shall notify the en route facility and the holding law enforcement agency to remove the Department's detainer.
- The sending facility shall notify the parole unit and region staff of the change in status and the parolee's location.
- If the inmate is released out-of-state or to the federal government, the Region I, SACCO address shall be used as the unit to be notified of pending release.

#### **Receiving and Release**

One copy shall be retained in the C-File until the second copy is returned by Receiving and Release staff, who shall verify that the inmate was released.

The original and second copy shall be signed by the transporting officer or agent of the receiving jurisdiction at the time of release acknowledging receipt. The original shall be given to the officer/agent assuming custody and the second copy forwarded to case records.

Case records staff shall file the signed copy in the C-File and destroy the unsigned copy.

#### **Case Records Staff**

Upon the physical return of the inmate to Department custody, the CDC Form 801 shall be removed from the C-File and destroyed.

#### **72040.12 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

#### **72040.13 References**

PC §§ 1203.2a, 1334, 1381, 1389, 1549, 1550.1, 2621, 2625, 2690, 4755, and 11177.

In re Stolyer (1957) 49 Cal. 2d 75.

Tinghitella v. State of California (9th Cir. 1983) 718 F.2d 308.

DOM § 72050.

**INTERSTATE COMPACT FOR THE AGREEMENT OF  
DETAINEES**

<b>ALABAMA</b>	Interstate Detainer Administrator Inmate Records Board of Corrections 3371 Atlanta Highway Montgomery, Alabama 36109 205-261-2963
<b>ALASKA</b>	Interstate Detainer Administrator Department of Corrections 2200 East 42 Avenue Anchorage, Alaska 99508-5202 907-561-4426
<b>ARIZONA</b>	Interstate Detainer Administrator Department of Corrections 321 West Indian School Road Phoenix, Arizona 85013 602-255-5598
<b>ARKANSAS</b>	Interstate Detainer Administrator Department of Corrections P.O. Box 8707 Pine Buff, Arkansas 71611 501-247-1800
<b>CALIFORNIA</b>	Interstate Detainer Administrator Department of Corrections 1631 Alhambra Boulevard Sacramento, California 95816
<b>COLORADO</b>	Interstate Detainer Administrator Department of Corrections 2860 S. Circle Drive North Building, #2200 Colorado Springs, Co. 80906 719-688-6666
<b>CONNECTICUT</b>	Interstate Detainer Administrator Department of Corrections 340 Capitol Avenue Hartford, Connecticut 06106 203-566-3393
<b>DELAWARE</b>	Interstate Detainer Administrator Department of Corrections 80 Monrovia Avenue Smyrna, Delaware 19977 302-736-5601

<b>DISTRICT OF COLUMBIA</b>	Interstate Detainer Administrator Department of Corrections Suite N-207 1923 Vermont Avenue, N.W. Washington, D.C. 20001 202-673-7316
<b>FLORIDA</b>	Interstate Detainer Administrator Department of Corrections 1311 Winewood Boulevard Tallahassee, Florida 32301 904-488-1035
<b>GEORGIA</b>	Interstate Detainer Administrator Department of Offender Rehabilitation #2 Martin Luther King, Jr. Drive, S.E. Atlanta, Georgia 30334 404-656-6002
<b>HAWAII</b>	Interstate Detainer Administrator Hawaii State Capitol Fifth Floor Honolulu, Hawaii 96813 808-548-5429
<b>IDAHO</b>	Interstate Detainer Administrator Department of Corrections P.O. Box 14 Boise, Idaho 83707 208-336-0740
<b>ILLINOIS</b>	Interstate Detainer Administrator Department of Corrections 1301 Concordia Court Springfield, Illinois 62702 217-522-4461
<b>INDIANA</b>	Interstate Detainer Administrator 100 North Senate Avenue - Room 804 Indianapolis, Indiana 46204 317-232-5760
<b>IOWA</b>	Interstate Detainer Administrator Division of Adult Corrections Capitol Annex Des Moines, Iowa 50319 515-281-3342
<b>KANSAS</b>	Interstate Detainer Administrator Pardon/Extradition Attorney State Capitol Topeka, Kansas 66612 913-296-2716

<b>KENTUCKY</b>	Interstate Detainer Administrator Corrections Cabinet State Office Building Frankfort, Kentucky 40601 502-564-4726
<b>LOUISIANA</b>	Not party to agreement.
<b>MAINE</b>	Interstate Detainer Administrator Department of Corrections 411 State Office Building Augusta, Maine 04333 207-289-2711
<b>MARYLAND</b>	Interstate Detainer Administrator Department of Public Safety and Correctional Services 6776 Reisterstown Road, Suite 312 Baltimore, Maryland 21215-2341 207-289-2711
<b>MASSACHUSETTS</b>	Interstate Detainer Administrator Legal Counsel Department of Corrections 100 Cambridge Street Boston, Massachusetts 02202 617-727-3300
<b>MICHIGAN</b>	Interstate Detainer Administrator Department of Corrections P.O. Box 3003 Lansing, Michigan 48909 517-373-0267
<b>MINNESOTA</b>	Interstate Detainer Administrator Department of Corrections 300 Bigelow Building 450 North Syndicate St. Paul, Minnesota 55104 612-642-0311
<b>MISSISSIPPI</b>	Not party to agreement.
<b>MISSOURI</b>	Interstate Detainer Administrator Department of Corrections and Human Resources 2729 Plaza Drive Jefferson City, Missouri 65102 314-751-2389

<b>MONTANA</b>	Interstate Detainer Administrator Corrections Division Department of Institutions 1539 11th Avenue Helena, Montana 59620 406-449-5671
<b>NEBRASKA</b>	Interstate Detainer Administrator Department of Correctional Services P.O. Box 94661 State House Station Lincoln, Nebraska 68509 402-471-2925
<b>NEVADA</b>	Interstate Detainer Administrator Office of the Attorney General Capitol Complex Heroes Memorial Building Carson City, Nevada 89710 702-687-3539
<b>NEW HAMPSHIRE</b>	Interstate Detainer Administrator State Director of Probation P.O. Box 271 Concord, New Hampshire 03301 603-224-3500
<b>NEW JERSEY</b>	Interstate Detainer Administrator Department of Corrections 609-292-4036
<b>NEW MEXICO</b>	Interstate Detainer Administrator Central Records Unit 1422 Paseo de Peralta Santa Fe, New Mexico 87501 505-827-8674
<b>NEW YORK</b>	Interstate Detainer Administrator Department of Correctional Services State Campus, Building #2 Albany, New York 12226 518-457-8134
<b>NORTH CAROLINA</b>	Interstate Detainer Administrator Interstate Agreement on Detainers 214 West Hones St. Raleigh, North Carolina 27611 919-733-2557
<b>NORTH DAKOTA</b>	Interstate Detainer Administrator Attorney General State Capitol Bismarck, North Dakota 58505 701-224-2210

<b>OHIO</b>	Interstate Detainer Administrator Adult Parole Authority 1050 Freeway Drive, North Columbus, Ohio 43229 614-431-2777
<b>OKLAHOMA</b>	Interstate Detainer Administrator State Capitol Building Oklahoma City, Oklahoma 73105 405-521-3921
<b>OREGON</b>	Interstate Detainer Administrator Deputy Compact Administrator 2575 Center Street, N.E. Salem, Oregon 97310 503-378-2487
<b>PENNSYLVANIA</b>	Interstate Detainer Administrator Department of Corrections P.O. Box 598 Camp Hill, Pennsylvania 17011 717-975-4860
<b>RHODE ISLAND</b>	Interstate Detainer Administrator Department of Attorney General 72 Pine Street Providence, Rhode Island 02903 401-274-4400 ext. 327
<b>SOUTH CAROLINA</b>	Interstate Detainer Administrator Department of Corrections P.O. Box 21787 Columbia, South Carolina 29210 803-737-8555
<b>SOUTH DAKOTA</b>	Interstate Detainer Administrator Attorney General State Capitol Pierre, South Dakota 57501 605-773-3215
<b>TENNESSEE</b>	Interstate Detainer Administrator Office of the Governor State Capitol - Ground Floor Nashville, Tennessee 37219-5081 615-741-6849
<b>TEXAS</b>	Interstate Detainer Administrator Uniform Detainer Act P.O. Box 99 Huntsville, Texas 77340 713-295-6371 ext. 430

<b>UTAH</b>	Interstate Detainer Administrator Attorney General State Capitol Salt Lake City, Utah 84114 801-533-5261
<b>VERMONT</b>	Interstate Detainer Administrator Department of Corrections 120 State Street Montpelier, Vermont 05602 802-828-3171
<b>VIRGINIA</b>	Interstate Detainer Administrator Assistant Attorney General 101 North 8th Street Richmond, Virginia 23219 804-786-8137
<b>WASHINGTON</b>	Interstate Detainer Administrator Department of Corrections Mail Stop FN-61 Olympia, Washington 98504 206-753-2500
<b>WEST VIRGINIA</b>	Interstate Detainer Administrator Department of Corrections State Capitol Complex Building 4, Room 300 Charleston, West Virginia 25305 304-348-2037
<b>WISCONSIN</b>	Interstate Detainer Administrator Department of Health & Social Services P.O. Box 7925 Madison, Wisconsin 53707 608-266-6793
<b>WYOMING</b>	Interstate Detainer Administrator 123 Capitol Building Cheyenne, Wyoming 82002 302-777-7841

#### **DETAINDER ADMINISTRATORS**

##### **FEDERAL AGENCIES**

##### **WESTERN REGIONAL OFFICE**

Detainer Administrator 1301 Shoreway Road, 4th Floor Belmont, CA 94002 415-598-4700	Alaska, North Dakota, South Dakota, Arizona, Montana, Utah, California, Nevada, Washington, Colorado, Wyoming, Hawaii, Oregon
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##### **SOUTH CENTRAL REGIONAL OFFICE**

Detainer Administrator 1607 Main, Suite 700 Dallas, Texas 75201 214-767-0012	Arkansas, New Mexico, Louisiana, Texas, Oklahoma
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##### **SOUTHEAST REGIONAL OFFICE**

Detainer Administrator      Alabama, Kentucky, South  
5213 McDonough Blvd., S.E.      Carolina, Florida, Mississippi,  
Atlanta, Georgia 30315      Tennessee, Georgia, North  
404-624-5202      Carolina

**NORTH CENTRAL REGIONAL OFFICE**

Detainer Administrator      Illinois, Michigan, Ohio, Iowa,  
Air World Center      Minnesota, Wisconsin, Indiana,  
10902 Ambassador Drive      Missouri, Kansas, Nebraska  
Kansas City, Missouri 64153  
816-891-7007

**NORTHEAST REGIONAL OFFICE**

Detainer Administrator      Connecticut, Massachusetts,  
U.S. Customs House, 7th Floor      Rhode Island, Delaware,  
Second & Chestnut Street      New Hampshire, Vermont,  
Philadelphia, Pennsylvania, 19106      District of Columbia, New  
215-597-6317      Jersey, Virginia, Maine,  
New York, West Virginia,  
Maryland, Pennsylvania

**NORTHEAST REGIONAL OFFICE**

Detainer Administrator      Connecticut, Massachusetts,  
U.S. Customs House, 7th Floor      Rhode Island, Delaware,  
Second & Chestnut Street      New Hampshire, Vermont,  
Philadelphia, Pennsylvania, 19106      District of Columbia, New  
215-597-6317      Jersey, Virginia, Maine,  
New York, West Virginia,  
Maryland, Pennsylvania

**FEDERAL BUREAU OF PRISONS**

**Western Regional Office (415) 598-4700**

U.S. Penitentiary, McNeil Island, Washington  
U.S. Penitentiary, Lompoc, California  
Federal Correctional Institution, Terminal Island, California  
Federal Correctional Institution, Pleasanton, California  
Federal Correctional Institution, Littleton, Colorado  
Federal Correctional Institution, Safford, Arizona  
Federal Correctional Institution, Phoenix, Arizona  
Metropolitan Correctional Center, San Diego, California  
Metropolitan Correctional Center, Tucson, Arizona  
Federal Prison Camp, Boron, California

**South Central Regional Office (214) 767-0012**

Federal Correctional Institution, Ft. Worth, Texas  
Federal Correctional Institution, Bastrop, Texas  
Federal Correctional Institution, La Tuna, Anthony, Texas  
Federal Correctional Institution, Seagoville, Texas  
Federal Correctional Institution, Texarkana, Texas  
Federal Correctional Institution, El Reno, Oklahoma  
Federal Prison Camp, Big Spring, Texas  
Federal Correctional Institution, Ft. Worth, Texas  
Federal Correctional Institution, Bastrop, Texas  
Federal Correctional Institution, La Tuna, Anthony, Texas  
Federal Correctional Institution, Seagoville, Texas  
Federal Correctional Institution, Texarkana, Texas  
Federal Correctional Institution, El Reno, Oklahoma  
Federal Prison Camp, Big Spring, Texas

**Southeast Regional Office (404) 624-5202**

U.S. Penitentiary, Atlanta, Georgia  
Federal Correctional Institution, Tallahassee, Florida  
Federal Correctional Institution, Ashland, Kentucky  
Federal Correctional Institution, Lexington, Kentucky  
Federal Correctional Institution, Butner, North Carolina  
Federal Correctional Institution, Memphis, Tennessee  
Federal Correctional Institution, Talladega, Alabama  
Metropolitan Correctional Center, Miami, Florida  
Federal Prison Camp, Eglin Air Force Base, Florida  
Federal Prison Camp, Maxwell Air Force Base, Montgomery,  
Alabama

**North Central Regional Office (816) 891-7007**

U.S. Penitentiary, Marion, Illinois  
U.S. Penitentiary, Leavenworth, Kansas  
U.S. Penitentiary, Terre Haute, Indiana  
Federal Correctional Institution, Milan, Michigan  
Federal Correctional Institution, Oxford, Wisconsin  
Federal Correctional Institution, Sandstone, Minnesota  
Medical Center for Federal Prisoners, Springfield, Missouri  
Metropolitan Correctional Center, Chicago, Illinois  
Federal Medical Center, Rochester, Minnesota  
Federal Prison Camp, Duluth, Minnesota

**Northeast Regional Office (215) 597-6317**

U.S. Penitentiary, Lewisburg, Pennsylvania  
Federal Correctional Institution, Danbury, Connecticut  
Federal Correctional Institution, Morgantown, West Virginia  
Federal Correctional Institution, Petersburg, Virginia  
Federal Correctional Institution, Alderson, West Virginia  
Federal Correctional Institution, Otisville, New York  
Federal Correctional Institution, Raybrook, New York  
Federal Correctional Institution, Loretto, Pennsylvania  
Metropolitan Correctional Center, New York, New York  
Federal Prison Camp, Allenwood, Montgomery, Pennsylvania

## ARTICLE 7 — EXTRADITIONS

*Revised February 23, 1995*

### **72050.1 Policy**

The Department shall comply with the Uniform Criminal Extradition Act for the surrender of inmates or for extradition of inmates in custody outside the state.

### **72050.2 Purpose**

This section sets forth the uniform procedures for processing extradition requests.

### **72050.3 Extradition Upon Release to Parole**

It is unlawful under PC 1550.1 and 1550.2 to deliver an inmate to an agency of a demanding state until the inmate is taken before a magistrate.

There is no legal provision for the Department to take an inmate before a magistrate to consider extradition prior to the parole release date. Therefore, most inmates shall be released to the custody of a local law enforcement agency with the accompanying warrants.

Occasionally, an extradition hearing may be held at the institution by a local magistrate prior to the inmate's release. These inmates shall be delivered directly to the out-of-state agents when paroled or discharged, on the authority of a waiver signed by a judge or upon a judge's approval.

### **72050.3.1 Case Records Responsibility**

The CCRM shall contact and arrange for the appropriate agency to take custody of the inmate on the scheduled parole release date:

- The local law enforcement agency if the inmate has to be taken before a magistrate.
- The out-of-state agency if a waiver has been signed by a judge or upon the judge's approval.

An inmate/parole violator may be released pursuant to PC 4755 for the convenience of an out-of-state transporting agency. [See DOM 72040.8].

Arrangements must be made sufficiently in advance of the scheduled parole release date to ensure that the appropriate documents (as described in this section of the manual) are available for delivery to the agency assuming custody.

### **72050.3.2 Extradition Upon Executive Agreement**

PC 1549 provides that when an inmate is wanted in another state for prosecution and is held in this state, the Governor of California and the Governor of the other state may enter into an Executive Agreement. The Department temporarily surrenders custody of the inmate to the other state for prosecution on the condition that the inmate is returned when prosecution is terminated.

Inmates under sentence of death and wanted in another state shall be processed under Executive Agreement.

Upon receipt of an Executive Agreement the CCRM shall arrange to take the inmate before a magistrate, prior to offering him/her to the out-of-state agent. The Executive Agreement is sufficient authorization to remove the inmate from the institution for the hearing.

The CCRM of the releasing California institution shall maintain contact with the other state to ensure the inmate is returned.

If the CCRM finds that the inmate was placed in prison in the other state to serve a sentence, the prosecuting attorney in the other state shall be contacted and an attempt made to have the inmate returned to California in accordance to the Executive Agreement. If the prosecuting attorney refuses to cooperate, the AG's Office shall be contacted for assistance in having the inmate returned to California.

### **72050.4 Extradition From Out-of-State**

PC 1547 through 1558 contain information regarding the Uniform Criminal Extradition Act. These provisions are used when the Department requests extradition to return California escapees or parole violators from outside the state.

### **72050.4.1 Documents**

When the parole violator or escapee refuses to waive extradition, a number of documents must be supplied to initiate a Governor's warrant for their return to California.

When returning inmates from outside the state, the following documents shall be supplied to the Interstate Unit which shall prepare the package for the Governor's warrant:

- Four certified copies by case records staff of each of the information(s)/complaint(s), indictment(s), and Judgment(s)/ commitment(s). Each document must bear two of the following thereon:
  - Signature of the county clerk.
  - Signature of the judge.
  - County seal.

Each document must also be certified by case records staff as a true and correct copy of the original in the C-File.

- Four exemplified (by the Superior Court) copies of each of the information(s)/complaint(s), indictment(s), Judgment(s)/ commitment(s) pursuant to PC 1207. Each must be signed by the duly elected county clerk and by the judge of the Superior Court of the county of commitment. Exception: The State of Florida requires an affidavit by the judge stating the judgment and sentence against the individual.
- Four copies of an affidavit executed under penalty of perjury by the CCRM to certify the records covering the inmate's commitment, subsequent actions by the parole board, subsequent transfers between institutions, assignment to camp, if any, and circumstances of escape.
- Four copies of fingerprints, pictures, and description.
- Statement of where and by whom the fugitive is being held and the means by which the institution has been notified of such facts.

### **Parole Violators Additional documentation**

- The extradition package for the return of a parole violator must include documentation that the parolee is still subject to the jurisdiction of the paroling authority. Therefore, certificates of term fixing actions from the date the parolee was originally received by the Department shall be included.

### **72050.4.2 Waiver of Extradition**

When the fugitive has waived extradition before a magistrate and agrees to accompany the Department's agent, staff of the P&CSD Interstate Unit shall be contacted to arrange pickup of the fugitive. One copy of the waiver shall be forwarded to the Interstate Unit as a necessary document to the state agent's appointment as the agent authorized to take custody and deliver the fugitive to the proper California authorities (*nunc pro tunc*). Except in unusual circumstances, the fugitive will be transported by private transportation agents.

#### **72050.5 Interstate Transportation Cases**

##### **Parolees**

At the time transportation is arranged on a parolee, Interstate Unit will contact the regional case records staff requesting that, no later than the next working day, a telecopy of the following documents be sent to the designated reception center:

- Cumulative Case Summary.
- Photo.
- Fingerprint.

A cover memo boldly marked "Interstate Transportation Case" shall accompany the packet and a copy of the memo shall be telecopied to the attention of the Interstate Transportation Unit.

##### **Inmate**

Upon notification that an inmate/escapee is to be delivered to a designated reception center, a packet will be compiled by the jurisdiction holding the C-file. The packet shall be boldly marked "Interstate Transportation Case" and shall contain in addition to the above named documents the commitment orders.

The packet will be sent by courier to the designated reception center.

#### **72050.6 Revisions**

The Deputy Director, Institutions Division, or designee, shall ensure that the contents of this section are accurate and current.

#### **72050.7 References**

PC §§ 1207, 1549.1 - 1558, and 4755.

## ARTICLE 8 — NOTICES

*Revised October 6, 1993*

### **72060.1 Policy**

Notification of the release of an inmate may be provided upon written request and shall be provided as mandated by law.

#### **Notification of Release**

Notification shall be provided pursuant to PC 3058.6 and 3058.8 on any person convicted of a violent felony listed in PC 667.5 (c), and pursuant to PC 11155 (b) upon the escape of an inmate.

### **72060.2 Purpose**

The purpose of this procedure is to provide guidelines for acceptance and processing of requests for notification of an inmate's release.

### **72060.3 Mandatory Notification**

Notification shall be provided to the sheriff, chief of police, and DA pursuant to PC 3058.6.

### **72060.4 Requests For Notification**

Written requests for notification shall be accepted from:

- Public or other law enforcement agencies.
- Paroling authority of another jurisdiction.
- DAs (pursuant to PC 270).
- Victim/witness/next-of-kin/immediate family member.
- Individuals, when the inmate's release or escape presents a potential for harm to the person.

### **72060.5 Types of Release Notices**

When a request for notification has been made a matter of record, the requester shall be notified of the inmate's:

- Escape.
- Authorized release from departmental custody.
  - Release to a CCF For the purposes of this Section, a CCF means a Work Furlough (WF) facility, a facility which houses a Community Prisoner Mother Program, and the Restitution Community Correctional Center.
  - Release to parole.
  - Discharge.
  - Release from custody for any other reason (e. g., bail).
  - Transfer of custody to another agency.
  - Death.

The notice of transfer of custody is required to inform the requester that the Department shall no longer assume responsibility to notify them of the inmate's release or escape from custody.

### **72060.6 Public or Other Law Enforcement Agencies' Requests For Notification**

#### **Counselor**

The inmate's counselor shall process requests from public or law enforcement agencies and those pursuant to PC 270 and 11155.

The counselor shall prepare a letter acknowledging receipt of the request for notice and forward it and a copy of the letter to the requestor and to the C-File by case records staff.

#### **Case Records Staff**

Case records staff shall:

- Send the letter to the requestor acknowledging the receipt of the request.
- Post the CDC Form 112, Chronological Inmate History.
- Post the CDC Form 144, Control Card.
- File the request and a copy of the letter of acknowledgment in the Holds/Warrants/Detainers (HWD) section of the C-File.
- File CDC Form 128-R, Requested Notice of Escape or Transfer of Custody, in the C-File.

### **72060.7 Victim/Witness Next-of-Kin/Immediate Family Member Notification**

Victims/witnesses/next-of-kin/immediate family members who request notification shall be notified of the inmate's/parole violator's death, escape, scheduled release to parole, discharge, release from custody for any other reason, or transfer of custody to another agency including a CCF. Requests shall be made in writing by letter or CDC Form 1707, Request for Victim Notification/Special Conditions of Parole.

Written requests from victims/witnesses/next-of-kin/immediate family members shall be processed in the following manner:

#### **CC-III/C&PR/Parole Region CCRM**

The CC-III (Reception Center), C&PR, or Parole Region CCRM shall send an acknowledgement letter to each victim/witness/next of kin/immediate family member, upon receipt of the initial correspondence. **This letter will serve only as an acknowledgement letter, not the official notification letter.**

The acknowledgement letter shall include the offender's most current scheduled release date or BPT hearing date and shall include a brief qualified statement that release dates are an estimate and subject to change. The letter shall state that the requestor shall **AGAIN** be notified 45 days prior to release of any type.

The letter shall also include:

- Request for additional information if needed.
- Inform the requestor of the responsibility to provide the Department with a current address and telephone number which will remain confidential.

- Confirmation of the confidential status of the request.

Notices to a victim/witness/next of kin/immediate family member shall be done by return-receipt mail. In the event that the requestor does not reside at the last known address provided to the Department, the CC-III/C&PR/CCRM shall make a diligent, good faith effort to learn the whereabouts of the requestor.

If notification of an inmate's release, death, escape, placement in a CCF/WF, or transfer of custody to another agency is returned undelivered, staff shall attempt to locate the person requesting notification using the following means:

- A telephone call to person requesting the notification.
- Directory assistance.
- CDC Victim Services.
- Local law enforcement.

Staff shall complete CDC Form 1722, Notice of Release Returned Undelivered and staple it to the undelivered notice, and insert the materials in the confidential section of the inmate's C-File. If the current address is discovered, staff shall send a new notice to the person requesting notification.

#### **Notification Procedures**

Those persons requesting information regarding offenders convicted of felonies shall be notified by the CC-III/Reception Center, C&PR, or CCRM in writing, at least 45 days prior to the inmate's/parole violator's scheduled release to parole, discharge, release from custody for any other reason, or transfer of custody to another agency. The notification will be done by a completed CDC Form 863-A, Confidential Notice of Release to Parole, pursuant to PC3058. If there is any change in the release date after the 45-day notice has been sent, the victim/witness/next of kin/immediate family member shall be notified immediately by the most expeditious means. A copy of the completed CDC Form 863-A shall be filed in the inmate's/parole violator's confidential folder with the request and response.

Parole agents can determine if the proper victim/witness notification has been sent from the releasing facility by reviewing the confidential section of the field-file for request and response documentation. If not completed, the Parole Agent shall send immediate notification to the victim/witness by information provided in the confidential section.

#### **Death**

The CDC Form 1796, Notice of Inmate/Parole Violator's Death shall be utilized for notification in the event of the inmate's/parole violator's death.

#### **Escape**

In the event of an inmate's/parole violator's escape, the victim/witness/next of kin/immediate family member shall be notified by the most expedient means possible. Either by telephone, through the local law enforcement agency of record, or by telegram.

#### **C&PR**

The C&PR shall have the responsibility for notifying the requestor within 30 days of the return to custody of an escapee. A CDC Form 1716, Notice of Return to Custody of Escapee shall be used to notify the requestor of the escapee's return.

#### **Parole Staff**

The regional CCRM shall have the responsibility for notifying requesters of the death, release, or escape of parole violators who are serving revocation time in county jails.

### **72060.8 Requests For Notification From Individuals**

Requests from individuals shall be processed as follows:

The Warden or designated staff member at not less than the level of Lieutenant or CC-I shall:

#### **Warden**

- Evaluate the request in terms of the potential harm the inmate's release or escape shall present to the requestor.
- Evaluate the need to maintain the confidentiality of the requestor's identity and information contained in the request.
- Write a letter to the requestor informing them of:
  - Action taken by the Department.
  - Additional information required before any further action can be taken.
  - Their responsibility to inform the Department of any change in address or phone number.
  - To what degree the request is confidential and the amount of information which is disclosed to the inmate concerned.
- If the request warrants confidentiality, staff shall send the letter requesting the notice, copies of all staff correspondence, and the CDC Form 128-R to the staff person designated (CCR 3321[d][2]) to review confidential material. The reason given for confidentiality shall be: "Material relates to a person's fear of subject's escape or release/transfer from departmental custody." This person shall:
  - Review the material and, if appropriate, stamp as "Confidential."
  - Forward the material to the case records office.

#### **Case Records Staff**

Case records staff shall:

- Make an appropriate entry on the CDC Form 112 and CDC Form 144, in view of status as confidential or nonconfidential.
- File the request, letter of acknowledgment, and CDC Form 128-R in the C-File.

### **72060.9 Responsibility For Giving Requested Notice**

A promise or implied promise to give notice of an inmate's release from custody or escape imposes that responsibility upon the staff of the facility from which the inmate is released or escapes.

#### **Counselor**

The counselor shall periodically review the inmate's file to evaluate the need or requestor's desire for notice. If necessary, the counselor shall contact the person(s) requesting the notice.

#### **72060.9.1 Notice Announcing Escape**

The staff person who reviews the C-File for information required in notifying law enforcement officials of an inmate's escape (pursuant to PC 11155 and the DOM 55040) shall also notify persons requesting notice by the most expedient means. If possible, by telephone or by telegram.

##### **C&PR**

The C&PR staff shall send written notice to the person requesting notification within 30 days after regaining custody of an escapee.

##### **Case Records Staff**

Case records staff shall file a copy of any written notice with the original request for notice in the C-File.

#### **72060.9.2 Notice Announcing Release to Community Correctional Center or Work Furlough**

When notification is requested, CCF/WF staff shall send written notice at least 60 days before placement of an inmate in a CCF/WF program to the:

- Chief of police of the city in which the inmate shall reside or in which placement shall be made.
- Sheriff of the county in which the inmate shall reside or in which placement shall be made.
- Victim/witness/next-of-kin/immediate family member.

This notice shall identify the inmate, the name, and the address of the facility, the county of release, and the address of the controlling parole region.

Case records staff shall file a copy of the written notice with the original request for notice in the C-File.

#### **72060.9.3 Notice Announcing Release of Inmates Convicted of Violent Felonies**

Any inmate serving a term of imprisonment after conviction for an offense listed in PC 667.5(c) or who is serving a period of parole revocation following release from such imprisonment is subject to the provisions of PC 3058.6 and 3058.8, and notification of release must be made.

The CDC Form 863 shall be completed and mailed no later than 45 days prior to release to the:

- Sheriff of the county to which paroled.
- Chief of police of the city in which the inmate shall reside (if known).
- DA of the county to which paroled.

A copy of the completed CDC Form 863 shall be routed to the:

- HWD section of the inmate's C-File.
- BPT executive officer if the inmate/parolee was sentenced pursuant to PC 1168(b).
- Inmate/parolee.

If residency plans are unresolved at the time of notification, staff shall enter "Community Unknown" on the CDC Form 863 and shall ensure that the parole unit address and telephone number are included.

When the community of residence is learned, the releasing facility records staff shall inform the above-listed agency(s) as soon as possible.

##### **Comments From Other Law Enforcement Agencies**

Comments received from law enforcement agencies regarding the release of an inmate to parole are reviewed by the RPA. After consideration of the comments, the original decision of placement may be changed.

A copy of comments received shall be forwarded to the BPT's executive officer for review in all cases of inmates being sentenced under PC 1168(b).

The law enforcement agency submitting the comments shall be notified of the BPT or Department's decision.

Notifications required by PC 3058.6 and 3058.8 shall be posted to the CDC Form 112 and CDC Form 144 by records office personnel.

After consideration of the comments, the original decision regarding the community in which the person is scheduled to be released may be modified pursuant to PC 3003.

#### **72060.10 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

#### **72060.11 References**

PC §§ 270, 667.5(c), 679.02, 679.03, 1168(b), 3003, 3058.5, 3058.6, 3058.8, 11155, and 12021.1(b).

CCR (15) (3) § 3321(d)(2).

DOM § 55040.

## ARTICLE 9 — WANTED PERSONS SYSTEM

*Revised August 19, 1997*

### **72070.1 Policy**

The Wanted Persons System (WPS) shall be used to ensure prompt notification to other agencies of persons wanted by the Department.

### **72070.2 Purpose**

This section sets forth uniform procedures for processing notifications on escapees, parolees who have absconded from parole supervision, or inmates who have been released prior to their scheduled release dates and must be returned to custody.

### **72070.3 Definition of Wanted Persons System**

The WPS is an automated data system providing information on persons wanted by various law enforcement agencies. It encompasses:

- CLETS.
- DOJ WPS.
- The National Crime Information Center (NCIC).
- All Points Bulletin (APB).
- The CDC WPS.

### **72070.4 Definition of CLETS**

The CLETS is a data computer system that facilitates entries into the following systems:

- DOJ WPS. Entries into this system shall not appear outside the state. A WPS notification remains in the system until cancelled.
- NCIC. This system is maintained by the FBI with State DOJ assuring proper statewide operation. A want entered into NCIC shall appear nationwide upon inquiry. A requirement of a want entered into NCIC is that the person shall be extradited.

### **72070.4.1 Definition of All Points Bulletin (APB)**

The APB is a separate system that operates through CLETS. APBs are routed to statewide terminals programmed to receive them. APBs are sent after regular working hours, holidays and weekends, to the Identification (ID)/Warrants Unit to enter the APB into the WPS/NCIC. The APB is automatically purged after 72 hours.

### **72070.5 Escape Procedures**

Facility/parole staff shall follow these procedures when an inmate escapes, or fails to return from a temporary community leave, or is released prior to his/her scheduled release date and should be returned to custody.

#### **72070.5.1 Notification of Escape Procedures**

- Prepare a CDC Form 140, State Prison Escape Bulletin, in accordance with the Department's escape plan.
- Initiate an APB at the earliest possible time. FAX a CDC Form 600-A, APB FAX Worksheet, to the ID/Warrants Unit.
- The ID/Warrants Unit shall enter the want into the CLETS/WPS which automatically generates entry into the NCIC system, and OBIS using the escapee's CDC number as the warrant number. These wants shall indicate the escapee is wanted to finish their term.
- Facilities shall not enter the "permanent" want; however, they retain responsibility for:
  - Presenting the facts to the DA within 72 hours and obtaining a warrant for the escapee's arrest. The local sheriff's office is responsible for entering a want on the escape charge.
  - Teletyping notice to the Chief, Correctional Case Records Services, giving escape information, county warrant number and whether the county has entered a want on the escape charge.
  - Prompt notification to the Chief, Correctional Case Records Services, of an escapee's apprehension.
  - Canceling any APBs issued by the facility when the escapee is apprehended within 72 hours.
  - Making notifications pursuant to the DOM 72060.

#### **72070.5.2 Uniform Escape Notices**

Escape notices shall adhere to the following:

- CDC Form 600, Wanted Persons System Notification--Addendum A, shall be available for use in preparing APBs.
- The descriptive information shall be completed in the order shown as adopted by agencies of State DOJ.
- APBs and cancellations on escapes from conservation camps or emergency firefighting crews shall clearly indicate that the escape was from a Department facility.
- The CDC Form 140 shall be 8 1/2" x 11". List the descriptive information in the order shown. Where case records material describes tattoos or other physical oddities, give adequate descriptive detail. The use of the term "multiple tattoos" shall not be used unless preceded by a specific description and location of one or more of them. The name of co-escapee(s), if any, shall be noted under "additional data."
- Escape bulletins posted in public places shall have the personal information removed (lower portion of the form). The IPA prohibits posting of personal information in a public place without the consent of the person. Other law enforcement agencies posting these forms assume responsibility for removal of this information.

#### **72070.5.3 Escape Bulletin Distribution/Cancellations**

Facility staff shall ensure that local law enforcement each receive:

- A minimum of 12 escape bulletins.
- A minimum of six glossy photographs.
- A copy of the escapee's CI&I SSCH report.
- A case summary.

- A list of visitors, correspondents and addresses, if known.

Escape bulletins shall also be distributed to headquarters, special services units, facilities, and parole regions so mutual assistance may be given in the apprehension and return of escaped prisoners.

If the escapee has a close relative or crime partner on parole, an escape bulletin shall also be forwarded to the appropriate parole unit office.

Escape bulletin cancellations shall be distributed to the same agencies that receive the escape bulletin, immediately following the apprehension of the escapee. The original escape bulletin shall be used by stamping "cancelled" across the bulletin along with the effective date of the cancellation.

#### **72070.5.4 Presumptive Death Policy**

To close an escapee's records under the "presumption of death," their age shall be 70 years or older and whereabouts unknown for 7 years or more.

##### **72070.5.4.1 Presumptive Death Procedures**

The CCRM shall initiate the presumptive death procedure:

- Obtain a current FBI SSCH.
- Complete a CDC Form 644, Certificate of Presumptive Death.
- Forward the original and one copy to the Chief, Correctional Case Records Services, for approval.

The original certificate shall be returned to the facility for permanent retention in the inmate's C-File. The copy shall be forwarded to State DOJ, CI&I. Upon receipt of the signed certificate, the CCRM shall:

- List the "presumptive death" on the daily report of arrivals and departures.
- Post the action to the CDC Form 112, Chronological History.
- File the original certificate in the inmate's C-File.
- Send the C-File to the designated region records office for microfiche. They shall forward the microfiche to the archives unit.

This acts to remove all departmental active records on the inmate.

#### **72070.5.5 Interstate Compact Unit Escapees**

When notified of the escape of a Department inmate housed in another state or federal prison, Region I case records staff shall send a FAX to the Chief, Correctional Case Records Services.

Follow the same procedures as for any other escapee except:

- Obtain a warrant from the DA for the escapee's arrest on escape charges.

The interstate compact unit shall make every effort to encourage the authorities of the facility where the escape occurred to:

- File local charges.
- Enter a want on escape charges, including the Department as an agency to be notified when the escapee is apprehended.

#### **72070.5.6 Escape From a Civil Addict Facility**

Pursuant to the W&I 3002, escape from a civil addict facility is a felony. Follow the same procedures as for any other escapee.

If sentenced to state prison on the escape charge, the civil addict commitment shall be referred back to the committing court as unsuitable. Discharge procedures shall be followed.

After an escapee has been at-large one year, and their whereabouts remain unknown, an exclusion letter shall be prepared and sent to the court of commitment pursuant to W&I 3053. Upon completion of the exclusion process, a FAX shall be sent to the ID/Warrants Unit requesting removal of the want from the WPS and the departmental warrants' register.

#### **72070.5.7 Disposition of an Apprehended Escapee**

An escapee apprehended by departmental personnel cannot be released to county officials for prosecution on an escape charge until a superior court issues an order as provided in PC 2620. A warrant issued by a municipal court for apprehension and return of an escapee is not sufficient authority for surrendering custody of an inmate.

An escapee apprehended and released to a departmental employee shall be returned to a facility as soon as possible for safekeeping until released in accordance with PC 2620.

An escapee arrested by officials not connected with CDC shall be held by the arresting agency for prosecution.

#### **72070.5.8 Warrant For Unlawful Flight**

18 USC 1073, provides for the issuance of a warrant for the apprehension of a person under commitment for murder, kidnapping, burglary, robbery, mayhem, arson, rape, assault with a dangerous weapon, extortion by threat or coercion, or an attempt to commit any of the above offenses. When an inmate committed for one of these offenses escapes and there is reason to believe the escapee left the state, the Warden shall notify the resident agent of the FBI.

The U.S. Attorney of the district in which the facility is located shall be notified by letter of the issuance of the warrant of arrest and that the prisoner shall be extradited if apprehended. They shall be provided with the information outlined in the escape report and requested to issue a warrant in accordance with the 18 USC 1073.

#### **72070.5.9 Placing of Holds on Apprehended Escapees**

Upon apprehension of an escapee, the Warden shall request immediate custody, and if the request is granted, the escapee shall be returned immediately to the facility. If immediate custody cannot be obtained, the Warden shall place a hold using a CDC Form 801, Notice of Detainer, for the return of the prisoner when they become available for return.

#### **72070.5.10 Grand Jury Indictments Pertaining to Escapees**

County warrants charging escape expire after three years. The CCRM shall review the list of escapees monthly. Any escapee at-large for two-and-one-half years shall be referred to the DA to obtain a Grand Jury indictment prior to the expiration of the three-year period.

#### **72070.5.11 Purpose of an Affidavit of Escape**

When extradition procedures are initiated, an "affidavit of escape" shall be prepared and forwarded to the Captain, Transportation Unit. This document is required by the controller's office so that the transportation officers may be reimbursed for expenses incurred in returning the escapee to California.

#### **72070.6 Parolee-At-Large**

A parolee is an absconder when it is determined by the BPT that the parolee's whereabouts are unknown.

##### **72070.6.1 Placement in Wanted Persons System**

When it has been determined that the parolee is at-large, the Parole Agent shall prepare a CDC Form 600 and submit it to the regional records staff with a CDC Form 1524, Parolee At Large Report (PAL Report).

The CDC Form 600 shall be reviewed for completeness by an office technician or higher and sent to the BPT Central Office Calendar with the PAL Report, or returned to the Parole Agent for completion. The following information shall be included on the CDC Form 600:

- Known aliases (AKA).
- Social Security Numbers (SSI) and additional date(s) of birth (ADB) which are recorded on the CI&I SSCH report.
- Scars, marks, and tattoos - indicate location and description.
- Caution codes shall be included in the caution field. If multiple caution codes are required, enter the most serious caution in the caution field and type out the second caution, in English, as the first item in the miscellaneous field. The "X" caution code shall be entered in the miscellaneous field with an explanation. Use prior history to determine caution. The following caution codes shall be used:

A = Armed and dangerous  
E = Escape risk  
M = Mentally disturbed  
S = Suicidal  
X = Miscellaneous

- Miscellaneous field shall contain the commitment offense, not the felony code numbers.
- The agent's name and telephone number shall be used by ID/Warrants Unit staff, but not entered into CLETS. This information shall be provided to the arresting agency upon apprehension.
- The reference field shall be used to indicate the region and unit office.

The facility/region case records office shall maintain a log of the CDC Form 600 entry and cancel requests.

##### **ID/Warrants Unit**

When a CDC Form 600 is received from the BPT, the ID/Warrants Unit shall:

- Date stamp the CDC Form 600.
- Compare the name and date of birth and contact region case records staff concerning any major discrepancies. Change CI&I and FBI numbers to conform to the CI&I SSCH.
- Enter the want in OBIS and perform a QC review of the FAX entry.
- Send a list daily of wants entered and cancelled to each regional case records office.

##### **72070.6.2 Purge/Validation of Warrants**

A NCIC warrant review shall be completed on all suspended PAL cases after 60 months in PAL status.

##### **72070.6.3 Purge/Validation Procedures**

###### **Parole Agent (4-6 Weeks Prior to Annual and 60-Month review)**

Secures and reviews current CI&I and FBI arrest records for any arrest during period parolee has been PAL.

###### **(At 60-Month Review)**

Reviews case files of all PAL cases for commitment offense and prior criminal history if no arrests are noted on CI&I sheets.

Forwards copy of original CDC Form 1524, with completed CDC Form 1524-A attached, to BPT recommending:

- Discharge and recall warrant (if commitment offense and prior criminal history were property offenses with minimum or no history of violent behavior).
- Discharge and recall warrant (if determined there is minimal chance of parolee being located or committing new crimes, and a minimal history of violence or arrests are indicated by CI&I or FBI records).
- Retain in PAL status and in NCIC (if there is a history of violence; CI&I records show arrests; and there is a probability of parolee being located).

Current CI&I and FBI arrest records and legal status summary sheet shall be attached to PAL report.

Submits report to unit supervisor.

###### **Unit Supervisor**

Reviews and submits report to BPT for action.

##### **72070.6.4 Cancellation of Wants**

###### **Parole Agent**

The Parole Agent forwards CDC Form 1676, Charge Sheet/Revocation Tracking/Scheduling Request, by FAX to the ID/Warrants Unit to cancel a warrant.

###### **The ID/Warrants Unit**

Cancels the warrant in the CLETS thereby removing the want from NCIC and WPS, and cancels the warrant in the OBIS.

##### **72070.6.4.1 Parole Agent Requests For PC 3056 Holds**

During normal business hours, the Parole Agent shall contact the region case records office to place a PC 3056 hold on a PAL in custody. After normal duty hours, the agent shall contact the ID/Warrants Unit to request that a hold be placed and the want cancelled.

##### **72070.6.4.2 Hold Placed by ID/Warrants Unit**

When a law enforcement agency requests a hold, the ID/Warrants Unit shall abstract a warrant to the agency with a copy to the region case records office.

Holds and warrant abstracts forwarded to requesting law enforcement agencies shall include the name and telephone number of a staff contact person. The abstract shall also include the charges, any AKAs and the requesting agency's booking or case number, if known, on the wanted person.

The region case records office shall notify the Parole Agent of the hold by the next working day. The agent shall immediately identify the subject.

#### **72070.6.4.3 Hold Placed in Error**

A warrant is no longer active once it has been cancelled in State DOJ CLETS. Once a warrant has been cancelled, it must be reissued for cause by the BPT in order to be used as the basis for entering a want into the state WPS or NCIC. Some warrants for suspended parolees are inadvertently cancelled due to:

- A warrant abstract has been sent to a law enforcement agency on the wrong subject.
- The parolee has been released by a local agency over a CDC hold or detainer.
- Data entry error.

#### **72070.6.4.3.1 Procedures For Reissuing Cancelled Warrants**

##### **Parole Agent**

Submits a copy of the original CDC Form 1524, the BPT Form 1135, Miscellaneous Decision, and completed CDC Form 600, to regional records upon determining that a warrant has been incorrectly cancelled.

##### **Records Staff**

Forwards PAL package to BPT central office.

##### **BPT Staff**

Reissues warrant, FAX signed copies of the BPT Form 1135 and CDC Form 600 to ID/Warrants Unit and forwards a copy of the BPT Form 1135 to the parole unit.

##### **Regional Records Staff**

Posts BPT action to CDC Form 112.

##### **ID/Warrants Unit Staff**

Reenters want into CLETS and OBIS.

#### **72070.6.4.4 Parolee-At-Large Located**

##### **Parole Agent**

Forwards CDC Form 1676 by FAX to ID/Warrants Unit to cancel warrant.

##### **ID/Warrants Unit Staff**

Cancels warrant in the CLETS thereby removing the want from NCIC and WPS, and cancels warrant in OBIS.

#### **72070.6.4.5 Parolee-at-Large Reinstated**

If a PAL is arrested or located in California and there are no violations of the type reserved for decision by the BPT, the RPA may order reinstatement on parole.

#### **72070.6.4.6 Parolee-At-Large Located Out-of-State**

The interstate parole office shall abstract a warrant during the normal workday. The ID/Warrants Unit shall abstract a warrant on weekends and after normal work hours on PALs where a code two warrant has been issued by the BPT.

The ID/Warrants Unit shall forward, to the Interstate Unit, three certified copies of the BPT warrant on any case where an abstract warrant has been issued or when the BPT has acted to issue a warrant as a detainer only.

The Parole Agent shall submit a written report to the BPT recommending a disposition. The BPT shall determine whether the parolee shall be discharged, referred for supervision in the other state, or scheduled for revocation proceedings.

#### **72070.6.4.7 Emergencies and Emergency Procedures**

Emergencies include:

- A parolee/PAL is apprehended out-of-state and shall be released unless a warrant is immediately issued. The Department's verbal or regular FAX request to detain shall not suffice to hold the subject.
- The parolee/PAL's misconduct is of such a serious nature that any delay incurred by requesting a hold through regular channels would amount to gross negligence on the part of the Department.
- The parolee/PAL is located/arrested out-of-state and the existing code one warrant needs to be upgraded to code two and a return-to-prison order shall be completed.

These emergencies require submittal to the BPT on a BPT Form 1135.

The Parole Agent shall initiate action for a want by telephoning the region CCRM or other region staff as determined by the RPA.

Depending on the need, the agent shall relay such information as is required for the BPT Form 1135, and if needed, the information for filling out a CDC Form 600 for issuance of a warrant. The region CCRM may determine the type of information needed for the agent.

The CCRM shall:

- Maintain control over regional emergency requests.
- Prepare the BPT Form 1135 and/or CDC Form 600, if a want is to be issued.
- Telefax the BPT Form 1135 and a CDC Form 600 to the BPT for action.

The BPT shall:

- Sign the BPT Form 1135.
- Issue a warrant number and complete the entry level and date of warrant.
- Send the CDC Form 600 to the ID/Warrants Unit for entry into the WPS.
- Notify the region CCRM of the action by telefax.
- Telefax the CDC Form 600 to ID/Warrants Unit. Send the original CDC Form 600 and the warrant to the ID/Warrants Unit.

**72070.7 Releasee-At-Large Want**

Upon receiving a request from the supervising Parole Agent for a releasee-at-large (RAL) want, the region CCRM shall complete the CDC Form 600, then forward it, along with the NAEA action to suspend outpatient status, to the ID/Warrants Unit.

The date of the warrant section shall reflect the date the action was taken by the NAEA. The "miscellaneous field" of the CDC Form 600 shall indicate "civil addict commitment." The criminal charges that were suspended shall also be included for entry into the WPS. RAL wants are code one only. Incomplete forms shall not be processed but returned to the originator for completion.

The ID/Warrants Unit shall enter the want into the WPS.

The Parole Agent shall contact the region case records office during normal business hours to place a W&I3151 hold on a RAL in custody and instruct them to request cancellation of the want. After normal business hours, the agent shall contact the ID/Warrants Unit to request that a hold be placed and the want cancelled.

Upon notification that the RAL has been apprehended and is in custody, the region CCRM shall FAX the ID/Warrants Unit requesting the removal of the want upon reinstatement action of the NAEA.

**72070.8 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**72070.9 References**

18 USC 1073.

PC §§ 2620, 3056, 5054.1, and 11155.

W&I §§ 3002, 3053, and 3151.

DOM §§ 72060, 81040, and 81080.

## ARTICLE 10 — LEGAL STATUS INFORMATION

*Effective September 22, 1989*

### **73010.1 Policy**

*Revised June 16, 1995*

Uniform legal status information shall be maintained on persons under the jurisdiction of the Department.

### **73010.2 Purpose**

*Revised June 16, 1995*

This section sets forth the procedures for the uniform preparation of an inmate's legal status.

### **73010.3 Legal Status Information**

*Revised June 16, 1995*

Legal status information contained in the C-File includes:

- CDC Form 112, Chronological History.
- Legal Status Summary.
- POR or Circumstances of Offense.
- FBI Report.
- CI&I SSCH Report.

### **73010.4 Preparation and Audit Requirements**

*Revised June 16, 1995*

Legal status information shall be assembled and prepared on all newly arrived inmates by the reception center case records staff.

#### **Case Records Specialists (CRS)**

Legal data used in the preparation of the CDC Form 188, Legal Status Summary, shall be audited by CRSs. They shall:

##### **Review**

- Review, compare, and analyze all available legal documents, such as: Abstracts of Judgment, Minute Orders, transcripts of proceedings at time of sentencing, charging documents, appellate court opinions, remittiturs, and other court orders to ensure accuracy, compatibility, and intent of the sentencing court.

##### **Determine**

- Determine sentence case relationship and appropriate application of credit for entry into OBIS and preparation of the Legal Status Summary.

##### **Request**

- Request missing documents, necessary to complete the legal portion of the case summary, from the county clerk's office. Requests for proceedings at time of sentencing should not be made until the third or fourth week after the inmate's arrival to permit routine transcribing and mailing by the courts. PC 1203.01 statements shall be requested from the court of commitment for cases not referred to the probation department.
  - Occasionally, an inmate may transfer from the reception center prior to receipt of documents and completion of the legal section. The receiving facility specialist shall ensure all pertinent documents/corrections are subsequently received and processed, and that amendments to the legal status summary are made.

##### **Forward**

- Forward to the CMO a weekly list of those inmates who are required to provide blood and saliva samples pursuant to PC 290.2. Such samples shall be collected as soon as possible after the inmate leaves the reception center.

##### **Review**

- Review all computer generated Legal Status Summary Sheets and commitment documents for data entry error.

##### **Correct**

- Correct Legal Status Summary Sheets which are discrepant due to the lack of computer program edits, e.g., consecutive sex offenses, by causing a manual (M) calculation entry of the data. Cases discrepant due to an error in sentencing shall remain discrepant in OBIS until an amended document is received.

##### **Refer**

- Refer discrepant cases which require communication to the trial court to the LPU for resolution. Referrals shall include an analysis of the case factors and photocopies of complete court documents necessary for the unit to communicate with the court.
  - Copies of any amended/new legal documents subsequently received on discrepant cases shall be forwarded to LPU following correction of, or addition to, the legal status summary.

##### **Determine**

- Determine statutorily required reports, referrals, notices, and registration requirements. Make appropriate entries on the CDC Form 112; CDC Form 144, Control Card, and cause entry into OBIS, as program edits allows, for:
  - Arson offenses, as specified in PC 457.1 and 11150.
  - Sex offenses, as specified in PC 290.
  - Controlled substance offenses, as specified in H&SC 11590.
  - Reports to the court, as specified in PC 1170(d).
  - Notices, as specified in PC 3058.6 and 3058.8.

#### **Edit Error PC 457.1**

OBIS programming for entry on the Legal Status Summary is available only for PC 290, 1170(d), and 11150 and H&SC 11590 requirements. Due to a program edit error, PC 457.1 shall be indicated on the Legal Status Summary as PC 11150 and, unless registration is ordered by the court and reflected on the commitment document(s), the entry shall be modified manually to read "Notification required per PC 11150."

#### **Continue To Audit**

Facility/region specialists shall continue to audit legal status information, and make necessary records/corrections/amendments. They shall:

##### **Time Cards**

- Audit inmate time cards for recorded work credit.
  - Minimum met bubbled on the scannable time card is a combination of actual time worked, ETO, and security time for both fulltime and halftime assignments.

##### **Holiday Credit**

- Holiday credit shall be granted for all State holidays in the appropriate credit earning status for inmates in credit qualifying groups. Holiday credit shall be automatically posted to OBIS from scanned time cards.

##### **ETO**

- An inmate assigned for a minimum of 20 days in any month shall earn 16 hours of ETO in full-time assignments and 8 hours in half-time assignments for each month. An additional 8 hours of credit for full-time and 4 hours of credit for half-time shall be granted for any time actually worked on any State holiday. A maximum of 192 hours for full-time and 96 hours for half-time may be accrued. ETO shall be used in increments of 2 hours. ETO used in excess of ETO earned shall be recorded as an absence.

##### **Review**

- Review recording of all other worktime documentation including CDC Form 115, Rule Violation Reports; CDC Form 128--G, classification actions; general and medical chronos; and computer entries of credit gains, losses, restorations, and dead time.

##### **Calculate**

- Make appropriate calculations and recordings of BPT" decisions.

##### **Respond**

- Respond to inquiries from inmates and answer inmate appeals on legal status issues.

##### **Record**

- Make proper recordings of all actions/decisions affecting an inmate's legal status on the CDC Form 112.

##### **Disposition**

- Determine disposition of Holds/Wants/Detainers and take appropriate action for resolution.

#### **73010.4.1 Audit Schedule**

*Revised June 16, 1995*

Periodic audits of the C-File shall be made by CRSs. Audits which include all requirements previously listed in this section shall occur whenever the following exist:

- Upon initial intake at any receiving facility.
- Sixty days prior to an inmate's scheduled parole/release date.
- Ten days prior to an inmate's scheduled parole/release date.
- Upon receipt of an additional commitment following initial intake.
- Upon transfer to facilitate federal deportation.
- Every 30 days beginning 9 months prior to release on notorious or special interest cases.

##### **Prior to Transfer**

An audit prior to any transfer, except for deportation purposes, shall consist of proper recording and disposition of Holds/Warrants/Detainers/Notices, proper recording of worktime documentation, and the generation of an updated Legal Status Summary as a result of a work credit gain.

##### **Three Months Prior to BPT Hearing**

Three months prior to any scheduled BPT hearing, an inmate's C-File shall be audited for accurate computation and recording of the Minimum Eligible Parole Date (MEPD) and any decisions previously made by the BPT.

#### **73010.5 Chronological History Form**

*Revised June 16, 1995*

The CDC Form 112 is the first page of the case summary.

#### **73010.6 Manually Prepared Legal Status Summary**

*Revised June 16, 1995*

A CDC Form 188 shall be prepared manually by the LPU to record the legal status of inmates committed to the Department with an active life term or Indeterminate Sentence Law term pending implementation of a computer generated legal status program for these cases.

#### **73010.6.1 Identifying Data**

*Revised June 16, 1995*

Identifying data on the CDC Form 188 shall include, but not be limited to, the following:

##### **Department Identification Number**

- Show the assigned departmental identification number (CDCNumber).

##### **Name**

- Commitment Name.

- The commitment name shall be recorded as reflected on the original Abstract of Judgment/Minute Order by which the inmate was delivered to the custody of the Department.
- If the Abstract contains two or more names, the first name shown shall be used as the commitment name. If one of the names is documented as the true name, the true name shall be shown as the commitment name.
- Names on subsequent commitment documents which differ from the original commitment name shall be recorded as Also Committed As (ACA), e.g., Jones, George; ACA: Jones, John.
- If the individual is received with multiple cases, use the name on the case sentenced the earliest.
- If the individual is received with cases from multiple counties, use the name on the Abstract prepared by the county which delivered the individual.
- Legal name change. Records of inmates who subsequently receive a court-ordered legal name change shall continue to use the commitment name as provided above. The new legal name shall be recorded as an ACA, e.g., Jones, George; ACA: Black, Clint and may be used by the inmate for mail and visiting purposes.

#### **Ethnicity**

- Ethnic Group: American Indian, Black, Cambodian, Chinese, Columbian, Cuban, Filipino, Guamanian, Guatemalan, Hawaiian, Indian (from India), Jamaican, Japanese, Korean, Laotian, Mexican, Nicaraguan, Puerto Rican, Salvadorian, Samoan, Thai, Vietnamese, and White (includes Hindu, Portuguese, Spanish, and West Indian).

#### **73010.6.2 Term Start**

*Revised June 16, 1995*

The date the controlling term starts is as follows:

- The term start date shall be the same as the date received by the Department on the controlling commitment.
- If an additional commitment is received by mail and the date of sentence is prior to the original received date, the original received date shall be the term start date.
- If a concurrent commitment which becomes the controlling case is received by mail where the inmate is sentenced in absentia, the date the commitment was received shall be the term start date and postsentence credit shall be calculated and applied to the term.
- If an additional commitment which becomes the controlling case is received, where the inmate has gone out to court for sentencing, the term start date is the date the inmate returns to the Department from the prosecuting jurisdiction.
- If an additional commitment is pursuant to a probation revocation, the original received date shall be the term start date.

#### **Federal or Out-of-State Prisoner**

If a federal or out-of-state prisoner goes out to court and receives a California Controlling Commitment term, the term start date is the date the prisoner is received in the other jurisdiction after sentencing on the California case.

If a federal out-of-state prisoner is sentenced in absentia to a California Controlling Commitment term, the term start date is the date sentenced.

If a federal or out-of-state prisoner receives a California Controlling Commitment term pursuant to a probation revocation, the original received date in the other jurisdiction shall be the term start date.

#### **73010.6.3 Release Data**

*Revised June 16, 1995*

#### **Maximum Release Date**

The Maximum Release Date (MRD) is calculated by adding the controlling term to the term start date, minus preprison custody credits, and plus any dead time (at-large on escape status/while released on appeal bond or bail).

The facility CCRM shall ensure that the MRD is calculated and entered. On manually prepared CDC Form 188s, any subsequent adjustment to the original MRD shall be entered in pencil to permit correction or change.

If one of the controlling offenses is a life term, the maximum release date shall be shown as "to be determined".

If one of the controlling offenses has an ISL sentence, the maximum release date shall be calculated and entered after the BPT has set the term.

#### **Minimum Release Date/MIN DSL/EPRD/MEPD**

An inmate's release date or parole eligibility date may be recorded as a Minimum Determinate Sentence Law (DSL) Release Date (MIN DSL), Earliest Possible Release Date (EPRD), or Minimum Eligible Parole Date (MEPD), depending on the controlling term.

#### **DSL Non-IW/TIP**

Non-IW/TIP DSL terms have a MIN DSL date which is the maximum release date minus goodtime credit plus any credit losses or dead time.

#### **DSL IW/TIP**

IW/TIP DSL terms have an EPRD. The EPRD is the maximum release date minus vested credits, plus credit losses or dead time and less the potential amount of goodtime credit to be earned based upon credit earning status.

Information relating to the IW/TIP is found in DOM 73030.4 and 73030.6.3.

#### **Indeterminate/Life Term**

If one of the controlling offenses has an indeterminate or life term manual entry of the MEPD into OBIS will be made at the time of initial audit, and changed as necessary due to any recalculation.

#### **Parole Period**

The parole period entry shall reflect the maximum parole period required by law (e.g., one year, three years, five years, life).

#### **Sosa Credit**

Any preprison credit in excess of the term assessed for a particular offense must be used to reduce the maximum parole period (In re Sosa (1980) 102 Cal. App. 3d 1002). This entry shall read: " \_\_\_\_\_ years minus \_\_\_\_\_ days In re Sosa". If additional credits are received which are applicable under In re Sosa, the entry shall be changed accordingly.

#### 73010.6.4 Term Data

##### Base Term

For the base term, show the base term for the controlling offense.

- If the controlling offense has a determinate term, the entry shall be a four digit entry.

##### EXAMPLE:

5 Year Term = 05-00  
5 Year 8 Months Term = 05-08

- Whether the controlling offense has an indeterminate or determinate term of one-year-and-one-day, show the base term as 1-year-and-1-day.
- If the controlling offense has a life term, show the base term as life.
- If the controlling offense has an indeterminate life term of 25-life, 20-life, 15-life, etc., the base term shall be recorded as such.

##### Enhancements/Consecutive (CS) Terms

Enter the total sentence for any enhancement(s) and/or CS term(s) added to the controlling term, including:

- Prior prison terms or prior felony convictions.
- Enhancements pursuant to PC §§ 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.6, 12022.7, 12022.75, 12022.8, 12022.9; H&SC §§ 11370.2, 11370.4, 11379.8, etc..
- CS subordinate terms (PC 1170.1).
- Wholly CS DSL terms.
- CS ISL terms.

The entry for this section shall be a four digit entry.

##### EXAMPLE:

8 Months = 00-08  
4 Years = 04-00

Whether the CS term is for an indeterminate or determinate term of one-year-and-one-day, show the term as 1-year-and-1-day.

If the CS term is for a life term, show the term as life.

If the CS sentence is for an indeterminate term of 25-life, 20-life, or 15-life, show the term as such.

If the CS sentences/enhancements are combined, they shall be recorded as:

Life + 4 years = Life + 04-00  
25-Life + 4 years = 29-Life  
25-Life + 25-Life = 50-Life  
4 years + 1-year-and-1-day = 04-00 + 1-year-and-1-day

Total Term: Show the total term for the controlling case(s). This is the sum of the base term and enhancements/CS sentences.

#### 73010.6.5 Preprison Credit

The preprison credit entry shall reflect the credit granted by the court(s) and reflected on the Abstract(s) of Judgment/Minute Order (s) for the controlling principal term and any CS counts or cases, plus credit administratively granted by the Department. The credits shall be recorded by the specific type of credit, whether accurately reflected on the Abstract/Minute Order and/or administratively granted.

Preprison credit includes:

##### PC 2900.5

- PC 2900.5. Reflect only actual days in local custody even if the Abstract of Judgement reflects a combination of PC 1203.03 and PC 2931 credit.
- Whether included in whole or in part on the Abstract of Judgement, reflect the following:

##### PC 1203.03

- PC 1203.03. Actual days in the Department's custody as a "Z" case.

##### PC 2900.1

- PC 2900.1. Actual amount of time served in the Department for the same offense.

##### CRC

- CRC credit. Actual days confined under the Civil Addict Program, including time in custody on parole hold (our hold only).

##### Mental Health

- Mental health credit. Days confined as incompetent to stand trial (PC 1375.5).

##### PC 4019

- PC 4019. Reflect days of goodtime credit granted by the court for time spent in local custody, as a condition of probation or pursuant to People v. Sage.

##### PC 2931

- Reflect goodtime credit granted for prior departmental time served on the same offense as PC 2900.1. The CDC Form 112, for the prior term shall be reviewed to determine if there are losses of credit.

**Total Credit**

- Total preprison credit. Reflect the total days of credit granted excluding credit applied pursuant to In re Sosa.

**In re Sosa**

- Credits applied pursuant to In re Sosa shall not be reflected in this section but shall be applied to the parole period as specified in DOM 73010.6.2.

**73010.6.5.1 Preprison Credit and Multiple Abstracts on CS Cases**

Abstracts of Judgment combining CS terms shall reflect the combined amount of preprison credit applicable to the total term. In those instances where the preprison credit is not combined on the last Abstract, record the preprison credit from the other Abstract(s) in order to reflect the total amount of preprison credit to which the inmate is entitled. Any preprison credit which is clearly and totally overlap credit shall not be applied in this manner.

In some cases the principal offense on an earlier Abstract may become the subordinate offense on the Abstract combined pursuant to PC 1170.1 (a). If the preprison credit on the first Abstract exceeds the term imposed as a subordinate term, only the amount of credit equal to the subordinate term shall be applied, as stated above. Any preprison credit in excess of the term assessed shall be used to reduce the maximum parole period.

**73010.6.6 Notification/Psychiatric Referral/Registration Required**

These entries shall reflect the appropriate code and section when a psychiatric referral, notice or registration is statutorily required prior to release on parole.

**PC 3002**

- PC 3002 requires a psychological evaluation prior to parole of persons convicted of child abuse or neglect.

**H&SC Code 11590**

- Narcotic offender registration pursuant to H&SC 11590 is required for the current offense only. A person is required to register with the Chief of Police or sheriff of the county of residence for five years following discharge from prison or release on parole.

**PC 290**

- Sex offender registration requirement pursuant to PC 290 is with the Chief of Police or sheriff of the county of residence and is applicable whether the sex offense is for the current offense or for a previous registerable offense. This requirement is for life.

**PC 457.1**

- Arson offenders sentenced pursuant to PC 451 and/or 453, whose crimes were committed on or after 1-1-85, if so ordered by the court and reflected on the commitment document, are required to register with the police in the city or the sheriff in the county of residency pursuant to PC 457.1. This requirement shall terminate five years after discharge.

**PC 11150**

- PC 11150 requires notification of release of persons convicted of any arson offense to the State Fire Marshal, all police departments, and the sheriff of the county in which the person was convicted and, if known, of the county of residence. The notice shall indicate the name of the person to be released, the county in which they were convicted and, if known, the county of residence.

**73010.6.7 BPT Hearings**

All BPT hearing dates will be shown by month and year. BPT hearings shall be scheduled as outlined in DOM 74030.

Record the month and year of the scheduled documentation hearing, initial parole consideration hearing and/or BPT review.

**73010.6.8 Offense Data**

The offense section of the CDC Form 188, is divided into two parts as follows:

- Controlling principal, wholly CS terms and CS subordinate terms, including enhancements.
- Non-controlling terms.

**Record**

The information listed below shall be recorded for each case:

- Date received.
  - Date inmate was received by the Department.
  - If an inmate returns from out-to-court with a new term, the received date is the date the inmate returns from out-to-court. If the subject returns from out-to-court without the Abstract of Judgment and the Abstract is received by mail after the inmate returns from court, the received date shall be the date returned from out-to-court.
  - If an additional commitment is received by mail on a case sentenced prior to the date received in the Department or sentenced in absentia after the inmate has been received in the Department, the received date shall be the date of receipt by mail.
  - If a federal or out-of-state prisoner goes out-to-court and receives a California Controlling Commitment term, the received date is the date the subject is received in the other jurisdiction after sentencing on the California case.
  - If a federal or out-of-state prisoner is sentenced in absentia to a California Controlling Commitment term, the sentencing date is the received date, unless the sentence is the result of revocation of probation. In probation revoked cases, the date the inmate was received in the other jurisdiction is the term start date.
- County: Show committing county.
- Case number: Show committing court case number.
- Count number: Show count number.
- Code and section: Show GC number, i.e., PC, H&SC, W&I, B&PC, VC, etc..
- Offense: Show as listed on commitment document(s). OBIS language may vary somewhat from the document entry.
- Type of weapon: If a weapon enhancement was charged and/or found and whether imposed or stayed, or a weapon was an integral part of the offense, record the weapon type.
- Date of offense: Show date as recorded in the Information/charging document.
- Sentence date: Show date of hearing as recorded on the upper left block of the Abstract of Judgment.

**73010.6.9 Recording Controlling Principle and CS Subordinate Terms**

Record in this portion of the offense section all cases and/or counts, including enhancements, which make up the controlling term. Prior prison term and prior prison felony conviction enhancements shall also be recorded here.

The count designated as the principal offense shall be recorded first. Record any CS, subordinate, in-prison offense counts and/or cases in numerical sequence. Record enhancements to specific counts immediately beneath the offense.

**EXAMPLE:**

Date Rec'd	County Case Number	Ct	Code & Off	Type WPN	Date of Offense	Sen-. tence Date
09-16-99	Ala 12345	02	P211 Robbery		07-20-99	09-12-99
		03	P211 Robbery	CS		
			P12022.5	CS		
			W/Use F'arm (Pistol)			

Record the number of prior prison terms for which the person was sentenced, if applicable, immediately below the county case number.

**EXAMPLE:**

_____	VPPT	PC 667.5(a)
_____	PPT	PC 667.56(b)
_____	PPT 667.51(a)PC	PC 667.51(a)
_____	SPPT 667.6(b)PC	PC 667.6(b)

Record below the county case number, if applicable, the number of prior felony convictions.

**EXAMPLE:**

_____	PFC	PC 667a
_____	PFC	H&SC Code 11370.2
_____	SPFC	PC 667.6(a)

If the sentence imposed was pursuant to PC 667.51(c) or 667.7, record this below the county case number.

**73010.6.10 Recording Non-Controlling Offenses**

Record in this portion of the offense section any additional Controlling Commitment counts or cases that have no effect on the controlling principal term. This heading will not be preprinted but added by staff, when applicable.

**EXAMPLE:**

Non-Controlling Offense:

09-16-99	Ala 12345	04	P459 Burglary	07-20-99	09-12-99
09-16-99	Ala 12345	01	P459 Burglary	07-21-99	09-12-99

**73010.6.11 Recording Additional Commitments**

Additional commitments received by mail, or court returns with a new term(s), shall be added to the appropriate section of the original CDC Form 188, except when the new commitment results in a new controlling principal term.

**EXAMPLE: :** (Added as subordinate.)

Controlling Principal and CS Subordinate Offenses:

Date Rec'd	County Case Number	Ct	Code & Off	Type WPN	Date of Offense	Sen-. tence Date
09-16-99	Ala 12345	02	P211 Robbery		07-20-99	09-12-99
		03	P211 Robbery	CS	07-20-99	
11-21-99	CC 23456	01	P211 Robbery	CS	07-18-99	11-19-99

**EXAMPLE: :** (After a change of principal term.)

Controlling Principal and CS Subordinate Offenses:

Date Rec'd	County Case Number	Ct	Code & Off	Type WPN	Date of Offense	Sen-. tence Date
11-21-99	CC 23456	01	P211 Robbery		07-18-99	11-19-99
			P12022.5 W/use F'arm (Pistol)			
09-16-99	Ala 12345	02	P211 Robbery	CS	07-20-99	09-12-99
		03	P211 Robbery	CS	07-20-99	

Additional commitments which result in a change of principal term require the preparation of a new CDC Form 188.

#### **73010.6.12 DSL In-Prison Offense Term CS to DSL Terms**

Pursuant to PC 1170.1(c), in-prison offenses which are CS by law or ordered by the court to run CS are wholly CS to the prior term(s).

People v. McCarthy (1982, 32 Cal. 3d 388) held that PC 1170.1(c), read as a whole, called for computation of a single term of imprisonment for all convictions of felonies committed in prison and sentenced CS, whether multiple convictions occur in the same court proceedings or in different proceedings.

In re Haygood (1985, 769F 2d 1350) held that in some cases CS sentences for escape charges are not CS to sentences for offenses committed while at large.

While multiple offenses committed in prison or while subject to reimprisonment for escape may be sentenced to run CS to each other as provided in PC 1170.1(a), that combined term is wholly CS to the prior term, and may exceed the five-year limitation on CS sentencing.

These wholly CS terms are not CS subordinate terms; they become a part of the total controlling term. Therefore, the fully additional term shall be recorded in the controlling principal term section and the total term added into the controlling term computation.

Since the decisions in McCarthy and Haygood there have been various interpretations and application of the holdings in these cases. The Department has determined to accept the court's decision, whether it sentences wholly CS pursuant to PC 1170.1(c).

#### **73010.6.13 DSL Probation Revoked Cases in Conjunction With Other Terms**

For determinate sentence probation revoked terms received by mail or upon return from court, the term start date is the date of receipt on the original commitment.

Goodtime credit on probation revoked cases shall be computed from the date of receipt on the original commitment.

#### **73010.6.14 ISL or ISL/DSL Recalculated CS Cases**

The full term for an ISL or ISL/DSL recalculated case sentenced CS to a DSL case shall be recorded and included and/or added as an enhancement to the base term to determine the total term.

The release dates shall be calculated and recorded for the aggregate term.

In these cases, the inmate continues to have eligibility for parole and term setting consideration by the BPT on the ISL Term(s) only.

- If an ISL parole date or discharge date is granted on the ISL term(s) only, the case must be recomputed using the ISL parole or discharge date as the term start date for the DSL term.
- The inmate shall then be scheduled for release on the earliest of the release dates: ISL release date plus the DSL term or the minimum release date on the totally calculated term.

#### **73010.6.15 Recording Life Terms**

Life term cases shall be recorded manually on a Legal Status Summary by the LPU. The following procedures will be followed in the preparation of these cases.

##### **73010.15.1 Life Terms With Possibility of Parole**

Life terms with the possibility of parole are governed by PC 3046, requiring a 7-year minimum service of term, without benefit of goodtime, before eligibility for parole consideration.

The term shall be entered below the offense and shall be recorded as Life.

##### **EXAMPLE:**

Date Rec'd	County Case Number	Ct	Code & Off	Type WPN	Date of Offense	Sen.-tence Date
09-10-99	LA A123456	01 03	P209 Kipnap For Robb Life	 CS CS	06-30-98	09-02-99

##### **73010.6.15.2 Life Terms/15 and 25 Year Minimums**

For crimes of Murder 1st or Murder 2nd committed on or after 11-8-78, terms changed to 25 and 15 years to Life, respectively.

##### **EXAMPLE:**

Date Rec'd	County Case Number	Ct	Code & Off	Type WPN	Date of Offense	Sen.-tence Date
09-16-88	SF 23456	01 03	P187 Murder 1 <sup>st</sup> 25-Life P12022.5		01-03-87	09-06-88

##### **73010.6.15.3 Merged Life Terms**

For crimes committed prior to January 1, 1969, PC 669 provided that all terms sentenced prior or subsequent to life terms merge with a sentence of "Life". Following the last count, an explanation of how the terms are affected by PC 669 shall be shown.

Exceptions: Commitments under PC 4500 between 1965 and 1973 and under PC 4530(a).

##### **EXAMPLE:**

Date Rec'd	County Case Number	Ct	Code & Off	Type WPN	Date of Offense	Sen.-tence Date
09-16-84	LA A123456	01 02 03	P187 Murder 1 <sup>st</sup> Life P459 Burg. 2 <sup>nd</sup> P470 Forg.	  CS CS	06-30-77 06-30-77 06-30-77	09-02-84

Pursuant to PC 669, cts 2 and 3 merge with ct 1.

Judgments received with orders in conflict with this section shall be recorded in the sentencing data section as specified by the court.

#### 73010.6.15.4 Life Terms With CS Enhancements and/or Terms

PC 669, amended by 1978 statutes, provides that life sentences may be imposed to run CS to one another or to any other term of imprisonment.

For crimes committed on or after 1-1-79 whenever life terms and determinate terms or enhancements are ordered to run CS to each other and have the same received date, the determinate term(s) and/or enhancement(s) shall be served first, and no part thereof shall be credited towards the person's eligibility for parole on the life term as calculated pursuant to PC 3046. This applies to terms and/or enhancements imposed pursuant to PC 667, 667.5, 1170, 1170.1, 12022, 12022.2, 12022.4, 12022.5, 12022.6, 12022.7, 12022.75, and 12022.9.

A life term with CS enhancement(s) shall be recorded as follows:

##### EXAMPLE:

Date Rec'd	County Case Number	Ct	Code & Off	Type WPN	Date of Offense	Sen-. tence Date
Controlling Principle And Consecutive (Including Enhancement) Offence						
07-24-99	SAC 3478 1 VPPT	01	P187 Murder 2 <sup>nd</sup> 15-Life P12022.5 W/Use F'arm (Rifle)	CS	03-12-99	07-21-99

A life term with CS DSL terms shall be recorded as follows:

##### EXAMPLE:

Date Rec'd	County Case Number	Ct	Code & Off	Type WPN	Date of Offense	Sen-. tence Date
Controlling Principle And Consecutive (Including Enhancement) Offence(s)						
12-10-99	LA A137890	01	P187 Murder 2 <sup>nd</sup> 15-Life		03-14-99	12-04-99
		02	P211 Robbery P12022.5 W/Use F'arm (Pistol)	CS		
		03	P211 Robbery P12022.5 W/Use F'arm (Pistol)	CS		

This method of recording shall be used when CS commitments are received with the controlling life term, and/or when an additional commitment(s) is received by mail where the sentence date on the new term is not later than that of the original term.

#### 73010.6.15.5 Life Term With CS DSL in-Prison Offense Term

A life term with a CS DSL in-prison offense term shall be recorded as follows:

Base Term	Enhancements		Total Term
25-to-life	04-00*	=	29-to-Life

##### EXAMPLE:

Date Rec'd	County Case Number	Ct	Code & Off	Type WPN	Date of Offense	Sen-. tence Date
Controlling Principle And Consecutive (Including Enhancement) Offence(s)						
01-02-99	LA A12345	01	P187 Murder 1 <sup>st</sup> 25-Life P12022.5 W/Use F'arm (Gun) P211 Robbery		09-10-99	12-31-99
5-02-99	MAR 1234*	01	P211 Robbery P4502.5 Wpn. By Prisoner (knife)	CS	03-02-99	04-30-99

\*Terms on Mar 1234 to commence upon completion of term on LA A12345 pursuant to In re Thompson.

When additional commitments are received a new CDC Form 188, shall be prepared to reflect the aggregate term as shown above. The received date shall reflect the date of receipt of the new commitment with a term starts as of the date of original receipt.

#### **73010.6.16 DSL Indeterminate Terms**

Several sentences remain indeterminate since passage of the DSL in 1977. The most common is the one-year-and-one-day sentence.

DSL indeterminate cases will be placed on calendar for an initial parole consideration hearing by the BPT within 120 days of reception into the Department if the MEPD is within 120 days from the reception date. If the MEPD is more than 120 days from reception, the initial hearing shall be scheduled one month prior to the MEPD (BPT 2273).

These cases require special processing following determination by the BPT. The procedures for producing a manually prepared Legal Status Summary as outlined in DOM 73010.6 will be followed.

These procedures shall be followed in preparing, computing, and recording BPT actions for DSL indeterminate terms.

##### **DSL Indeterminate Term Only**

Regular ISL procedures shall be followed using the BPT Form 1010 for recording the determination and making the period of confinement computation.

##### **DSL Indeterminate Controlling Commitment with DSL Term**

If the minimum release date for the DSL term is later than the statutory maximum for the DSL indeterminate term, no BPT parole hearing is required. If the DSL minimum is earlier than the maximum term for the indeterminate offense, the inmate shall be scheduled for an ISL parole hearing. The later release date shall be the controlling release date.

##### **DSL Indeterminate Controlling Commitment with ISL Term**

Regular ISL procedures shall be followed using the BPT Form 1010 for recording the determination and making the period of confinement computation. In addition, a PC 1170.2(a) recalculation shall be made for the ISL terms.

##### **DSL Indeterminate CS with DSL Term**

Schedule the DSL indeterminate case for the first available ISL parole consideration hearing for determination of the indeterminate case only. A BPT Form 1010 shall be used for this determination. The reception date for the ISL computation shall be the date originally received on the offenses involved.

The release date for the DSL indeterminate offense shall be the term start date on the DSL term. A DSL computation shall then be completed for the remaining DSL term.

##### **DSL Indeterminate CS with ISL Term**

Schedule an ISL parole consideration hearing on the first available ISL hearing calendar. The ISL portion of the BPT determination shall be processed in accordance with existing ISL hearing procedures.

##### **Combined DSL Recalculation and ISL Hearing for the DSL Indeterminate Case**

During the ISL parole consideration hearing, the BPT hearing panel shall enter in the comments section of the BPT Form 1010, a determination of the amount of time assessed for the DSL indeterminate offense for the purpose of determining the CS factor of the recalculation.

A separate BPT Form 1010 shall be used by the specialist to compute the release date for the DSL indeterminate case. This BPT Form 1010 shall be attached to the original form with a notation, "see ISL BPT Form 1010 dated \_\_\_\_\_".

This release date shall be used as the term start date in the computation on the CDC Form 678, Confinement Computation, for the recalculation of the remaining counts or cases.

A PC 1170.2(b) (extended term) screening shall be made at the time of initial processing to ensure completion prior to 90 days after receipt.

Upon completion of the recalculation of the counts or cases, the CDC Form 678 shall be presented to a BPT panel for signature.

#### **73010.6.17 Determine One-Year-and-One-Day Terms**

PC 4532(a), Escape From County Jail Without Force, where the crime was committed on or after 1-1-85, has a determinate sentence of one year and one day.

The procedure for producing a manual face sheet as outlined in DOM 73010.6 shall be followed except for DOM 73010.6.3, Release Data. Release dates shall not be calculated by the LPU on these cases. The specialist at the institution housing the inmate shall compute the release date upon receipt of the manual face sheet.

No referral to the BPT is required and those cases are calculated in the same manner as for other DSL terms.

#### **73010.6.18 Information Recorded on Bottom of CDC Form 188**

On cases with life terms, enter the following information above the name, number, etc., at the bottom of the first page:

- Defense Counsel.
- Investigating agency.

Record on each page of the Cumulative Case Summary the last name, number, unit of the Department, date, the initials of the CRS who calculated the case and the initials of the typist.

##### **EXAMPLE:**

JONES    A50000    RC-C                    1-12-88    RO/cs

#### **73010.7 Computerized Legal Status Summary**

A computerized legal status summary is generated only on cases which have determinate sentences, including cases recalculated pursuant to PC 1170.2(a).

##### **73010.7.1 Identifying Data**

Identifying data on a computerized legal status summary is the same as specified for manually prepared Legal Status Summary sheets in DOM 73010.6.1 with the addition of the Date of Birth on the computerized version.

##### **73010.7.2 Release Dates**

The OBIS Computer will calculate, with exceptions, the following release dates and reflect them on the face sheet.

DSL Non-IW/TIP and Non-Vested DSL IW/TIP Cases:

- Maximum Release Date.
- Minimum Release Date.
- Maximum Adjusted Release Date.
- Minimum Adjusted Release Date.

DSL IW/TIP Cases:

- Maximum Release Date.
- Maximum Adjusted Release Date.
- Current Release Date.
- Earliest Possible Release Date.

#### Manual Calculations

Maximum release dates, maximum adjusted release dates and EPRDs must be manually calculated and verified for manual entry into OBIS or manual correction on the Legal Status Summary in the following circumstances:

- When the offense data on a case(s) requires manual entry into OBIS because of program edit errors.
- When computation of a concurrent additional commitment results in a controlling maximum date on other than the controlling case.
  - The non-controlling maximum date shall be lined through and the controlling maximum date shall be written in.
- When vested credit is a manual entry.

The EPRD on a Legal Status Summary generated by a work credit gain shall not be correct in the following circumstances:

- When credit losses exceed credit earned at the time of the gain.
- When the gain is through the last day prior to a change in work credit earning status.
- When the correction of time collection data results in a negative balance of a fraction of .5.

Following manual calculation, the incorrect EPRD shall be lined through and the correct date as manually calculated shall be entered on the Legal Status Summary.

#### 73010.7.3 Term Data

The face sheet shall reflect as the base term, the term for the controlling offense. The entry for this section shall reflect the term in years and months.

#### EXAMPLE:

5 years	=	05-00
1 year 4 months	=	01-04

The face sheet shall reflect the total term for all enhancements included in the controlling total term.

#### 73010.7.4 Parole Period

Based on the commitment data the OBIS computer will determine the appropriate parole period. Credits pursuant to In re Sosa will be reflected in the section next to the parole period section.

#### 73010.7.5 Preprison and Postsentence Credit

Refer to DOM 73010.6.5.

#### 73010.7.6 Notification/Psychiatric Referral/Registration Required

Refer to DOM 73010.6.6.

#### 73010.7.7 Offense Data

The offense data section is divided into three parts.

- Controlling case. Offenses and enhancements in the case with the principal term which are included in the controlling term.
- CS factors. Offenses and enhancements from other cases which are included in the controlling term.
- Non-Controlling offenses. Offenses and enhancements which are not included in the controlling term.

#### Record

The following information will be recorded for each count:

- Received date.
- County of commitment.
- Case number.
- Sentence date.
- Count.
- Offense code.
- Offense description.
- Offense date.

#### EXAMPLE:

Date Rec'd	County Case Number	Ct	Code & Off	Type WPN	Date of Offense	Sen- tence Date
---------------	--------------------------	----	------------	-------------	-----------------------	-----------------------

Controlling Principle And Consecutive (Including Enhancement) Offence

— CONTROLLING CASE —

11-03-99	LA	01	P667.5(A)	10-27-99	07-21-99
	A123456		15-Life		
	PPT-V		.P211 Robbery	CS	
			P12022(A)		
			ARM/A		

— CONSECUTIVE FACTORS —

08-08-99	RIV	01	P211 Robbery	CS	03-23-99	07-19-99
	12345	02	P211 Robbery		04-16-99	

— NON-CONTROLLING CASES —

08-08-99	SBD	01	P211 Robbery	03-22-99	07-02-99
	54321	02	P211 Robbery	04-10-99	

### 73010.7.8 Goodtime/Worktime Credit And DSL EPRD

Non-IW/TIP or non-vested IW/TIP cases will reflect the following information at the bottom of the Legal Status Summary:

Tran Type	Date	End Date	Log Number	Rule Number	D A Y S			
					Assessed	Lost	Rest	Dead

\*\*\*\*\*BEG BAL\*\*\*\*\*

Beg \_\_\_\_\_

Current PC Balance: \_\_\_\_\_ Current BC Balance \_\_\_\_\_

#### IW/TIP Data

IW/TIP cases will reflect the following information at the bottom of the Legal Status Summary:

IW/TIP Waiver Date	Beginning Balance	Credit Applied	Total Lost	Total Restored	Net Total
_____	_____	_____	_____	_____	_____

Credits Auto (or Manually) vested (or revested) per PC 2934

Tran Type	Date	End Date	Log Number	Rule Number	Viol. Cat.	Days
--------------	------	----------	---------------	----------------	---------------	------

ETO Balance = \_\_\_\_\_ as of \_\_\_\_\_

EPRD is \_\_\_\_\_ Based on Credit Applied Through \_\_\_\_\_ and Work Group \_\_\_\_\_

### 73010.8 Circumstances of Offense

A POR is prepared by the probation officer in the county where the offense was committed and is considered the main body of the Case Summary. The circumstances of the offense are included in the POR.

The statements of views submitted pursuant to PC 1203.01 by the sentencing judge, DA, defense attorney, and law enforcement agencies shall be included in the Case Summary if a POR is not available. A copy of the arrest report shall be requested and included in the Case Summary if the POR or statement of views does not contain circumstances of the offense.

### 73010.9 CI&I Report

This section is an actual reproduction of the CI&I SSCH.

PC 11120-11126, relating to the SSCH Information maintained under a person's name by DOJ, provide that any person desiring a copy of this record may make application to State DOJ for such record, and upon such request, State DOJ shall furnish that person with a copy.

Statutes prohibit the Department from providing an inmate with a copy of their SSCH. However, an inmate may retain a copy of the record which they obtained from State DOJ.

#### 73010.9.1 Destruction of CI&I Arrest Records Pursuant to H&S Code 11361.5

H&SC 11361.5(c) states: "Destruction of records of arrest and/or conviction pursuant to subdivision (a) or (b) of this section shall be accomplished by permanent obliteration of all entries or notations upon such records pertaining to the arrest or conviction, and the records shall be prepared again so that it appears that the arrest or conviction never occurred".

Application for destruction of records as indicated above, must be submitted to and processed by State DOJ. Upon being advised by DOJ that an application has been approved, these procedures shall be followed in removing the information from all departmental records:

- Upon receipt of the information from CI&I that an item(s) has been removed pursuant to H&SC 11361.5, institution/region case records staff shall obliterate all references to the removed material from the Legal Section of the C-file. The new SSCH shall be inserted into all copies of the Case Summary.
- Facility case records staff shall then forward the C-File to the assigned counselor. The counselor shall review the entire C-File and other Department records and remove all references to any arrest or conviction which has been removed from the SSCH pursuant to H&SC 11361.5. Revisions to material in the Case Summary shall require complete redistribution of the corrected material.

- Region case records staff shall forward the C-File to the regional "Olson" coordinator who shall review the entire C-File and other departmental records and remove all references to any arrest or conviction which has been removed from the SSCH pursuant to H&SC 11361.5. Revisions to material in the Case Summary shall require complete redistribution of the corrected material. A corrected copy of the Case Summary shall be forwarded to the Parole Agent for placement in the field file.

**73010.10 FBI Report**

*Revised June 16, 1995*

The FBI provides the Department with a reproduction of criminal history similar to the State criminal history with the addition of arrests and/or convictions which were reported in all and any other state and/or for federal offenses.

**73010.11 Revision of Legal Status Sheet**

*Revised June 16, 1995*

Many cases are complicated by multiple commitments and/or amended judgments received while the individual is in the reception center, facility, or on parole. The receipt of a new commitment requires modification of the Legal Section as follows:

- A new Legal Status Summary shall be prepared showing each additional commitment and/or modification.
- A new CI&I report replaces the previous CI&I report.
- A new FBI report replaces the previous FBI report.

An entry shall be recorded on the CDC Form 112, reciting the date of the change, the authority for the change, the county, and the case number (e.g., 3 Pfc's stricken; degree of Burg modified from 1st to 2nd).

**73010.11.1 Appellate Court Decisions**

*Revised June 16, 1995*

In instances where the sentence is modified by the appellate court, the Legal Status Summary shall be changed in accordance with the decision of the appellate court upon receipt of a certified copy of a Remittitur from the appellate court.

Where the appellate court directs the case to the Superior Court for re-sentencing, and by opinion leaves open-ended the structure for re-sentencing, the Legal Status Summary shall be changed upon receipt of an amended Abstract of Judgment and/or Minute Order from the Superior Court. Information related to judgments on appeal is found in PC 1258, et. al.

**73010.12 Revisions**

*Revised June 16, 1995*

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**73010.13 References**

*Revised June 16, 1995*

BPT Rule 2273.

In re Sosa (102 Cal App 3d, 1980).

People v. McCarthy (32 Cal 3d 388, 1982).

In re Haygood (769 Cal 2d 1350, 1985).

H&SC §§ 11361.5, 11370.2, 11370.4, 11379.8, and 11590.

PC §§ 290, 290.2, 451, 453, 457.1, 669, 1170, 1170.1, 1170.2, 1203.01, 1203.03, 1258, 1375.5, 2900.1, 2900.5, 2931, 3002, 3046, 3058.6, 3058.8, 4019, 4532(a), 11120 - 11126, 11150, 12022, and 12022.2 - 12022.9.

**ARTICLE 11 — *UNASSIGNED***

## ARTICLE 12 — TIME COMPUTATIONS

*Effective September 13, 1989*

### **73030.1 Policy**

Time computations shall be completed in a uniform manner to ensure that release dates are true and correct.

### **73030.2 Purpose**

This section sets forth uniform procedures for the computation of terms.

### **73030.3 Computation of Time**

The phrase "Time Computation" describes the Department's uniform method for determining and computing an inmate's term, minimum and maximum release dates.

An inmate's time is calculated and computed in years, months, and days.

### **73030.4 Sentencing and Credit Laws—Non-life Terms**

The method of time computation and appropriate application of credit to a term of a sentenced felon is governed by whichever law or set of laws apply on the date a crime is committed.

The primary sentencing laws applicable to non-life terms are the:

- Indeterminate Sentence Law (ISL) [PC1168(b) and 1170.2].
  - Crime committed prior to 7–1–77.
- Determinate Sentence Law (DSL) [PC 667.6(c), 1168(a), 1170, and 1170.1].
  - Crime committed on or after 7–1–77.

The primary laws affecting credit on a term of imprisonment are:

- PC 2931 and 2934 (DSL).
  - Crime committed on or after 7–1–77 and prior to 1–1–83.
- PC 2933 DSL-IW/TIP.
  - Crime committed on or after 1–1–83.

### **73030.5 Credit For Time Served/Pre-prison Credit**

Credit for the total of any time served prior to reception into departmental custody, and good time credit on those days is called "pre-prison credit."

Pre-prison credits apply to the time period as if the time credited had been served in State prison.

All credits ordered by the sentencing court shall be applied when calculating the term(s).

#### **73030.5.1 Pre-sentence Credit and Good time**

Pre-sentence credit, credit for prior time served in county jail or other county facilities pursuant to PC 2900.5, and good time on those days pursuant to PC 4019 is ordered by the court and will be reflected on the legal document.

#### **73030.5.2 Credit For Time Served—Other Commitments**

Credit for time served shall be granted and administratively applied if the credits are not reflected on legal documents for:

- Prior time spent under indeterminate commitment as a mentally disordered offender (PC 1600.5).
- Commitment received on or after September 15, 1965, where there was prior confinement for diagnostic observation and recommendation (PC 1203.03).
- Prior time served under commitment pursuant to the W&I 3200.
- CYA time in custody for the same offense (W&I 1782).

#### **73030.5.3 Credit For Time Served—Invalid or Modified Judgment**

Credit for time served under a judgment subsequently declared invalid or modified shall be granted and administratively applied if a person is recommitted for the same criminal act or acts and the credits are not reflected on the Abstract(s) of Judgment (PC 2900.1).

#### **73030.5.4 Post-sentence Credit and Good time**

*Revised March 16, 1995*

Credit for the number of days between sentencing and actual delivery to departmental custody and good time on post-sentence credit shall be administratively granted and applied pursuant to PC 2900.5(e).

- Postsentence credit shall not apply to a term ordered to run consecutively to another term presently being served.
- Postsentence credit shall not apply to the case of an inmate who returns from court with an additional commitment which occurs after/as a result of revocation of probation.
- Postsentence credits shall not apply to a term if due to a plea bargain the court stipulates that PC 2900.5 credits are not to be granted.

#### **73030.5.5 Additional or Modified Pre-prison Credits**

Upon receipt of an amended Abstract of Judgment or Minute Order modifying credits, the CCRM shall re-compute the release date, minimum eligible parole date (MEPD), minimum term or maximum term, and make appropriate changes in all records.

- On ISL cases, if the inmate has not appeared for an initial parole consideration hearing, place on appropriate calendar in accordance with BPT Rule 2304. If the inmate has had an Initial Parole Consideration Hearing, schedule for Subsequent or Progress Hearing on the next available calendar.

#### **73030.5.6 Application of Pre-prison Credit and Person Overdue For Release**

Upon receipt of a judgment or an amended judgment or court order, if after application of pre-prison credit the inmate is overdue for release, the inmate shall be released within five working days.

Five working days are allowed to provide records staff sufficient time to correct and audit the records and to prepare necessary release documents.

Work time credits shall be entered only to the date calculated as the earliest possible release date (EPRD). Credit from the calculated release date to the date of actual release will be entered into OBIS as "Sosa Credit."

The entry on the CDC Form 112 shall read, "Parole period \_\_\_\_\_ years minus \_\_\_\_\_ days In re Sosa."

#### **73030.5.7 Resolution of Pre-prison Credits Issues**

People v Montalvo (2 Crim 38558 1982) stated that the matter of granting pre-sentence credit at time of sentencing is done in open court and any challenges to the amount of credit granted should be made by counsel at that time.

Only the following credit issues shall be referred to the sentencing court for resolution:

- Any case that has credit granted which is prohibited by In re Rojas. This includes in-prison offenses, crimes committed while on escape, and consecutive cases sentenced after initial receipt in CDC which includes credit for time served after initial receipt.
- Resentenced cases wherein the court has granted erroneous time spent in CDC.
- Probation revocation cases that include more than 60 days custody credit that is also being given by the Department.
- Cases that reflect differing amounts of credits on the legal documents.
- Cases wherein the court has granted "day-for-day" PC 4019 credit.

#### **73030.5.8 Application of Pre-prison Credit To DSL Term**

The procedures set forth in this section shall apply to determinate sentence law terms and cases recalculated pursuant to PC 1170.2(a)(b).

##### **73030.5.8.1 Single DSL Term**

All pre-prison credit shall be deducted from the DSL term, including enhancements for use of weapons, possession of a weapon, or great bodily injury and enhancements for prior prison terms and any other enhancements.

##### **73030.5.8.2 Concurrent DSL Term**

Pre-prison credit is applicable only to the term to which it is attributable; i.e., court case number to that particular crime.

Concurrent terms are computed separately, applying the applicable pre-prison credit to each term.

##### **73030.5.8.3 Consecutive DSL Terms**

All pre-prison credit attributable to the DSL principle term shall be deducted from that term only.

Pre-prison credit attributable to each consecutive case or count shall be applied only to the subordinate term to which it is attributable.

Any pre-prison credit attributable both to the principal term crime and to any subordinate term crime shall be deducted from the total term.

##### **73030.5.9 Pre-prison Credit in Excess of DSL Term**

Any pre-prison credit in excess of the term assessed for a principal and/or subordinate term shall be used to reduce the maximum parole period (In re Sosa).

##### **73030.5.10 Pre-prison Credit Application -- ISL Terms**

Pre-prison credits do not change the statutory requirement for the minimum eligible parole date (MEPD), minimum term or maximum term, but apply to the time periods as if the time credited had been served in State prison.

Applicable pre-prison credit shall be applied to any parole date or term of imprisonment no later than one week after it has been established or fixed by the BPT. The total number of days to be credited shall be contained in the Abstract of Judgment or Minute Order as the commitment document.

No pre-prison credits shall be used to offset time assessed for prior prison terms.

Single offense. All pre-prison credit attributable to the base offense shall be deducted from the base period of confinement determined by the BPT.

Multiple offenses. Pre-prison credit shall be deducted from the base period of confinement and the multiple crime adjustment established by the BPT.

Pre-prison credit shall not be deducted from any other adjustment.

No overlapping pre-prison credit shall be applied.

- Preprison credit attributable only to the base offense shall be deducted from the base period confinement.
- Preprison credit attributable only to multiple crimes shall be deducted from the multiple crime adjustment.
- Preprison credit attributable both to the base offense and to multiple crimes shall be deducted from the base period of confinement.
- Any preprison credit in excess of the base period of confinement shall be deducted from the multiple crime adjustment for each multiple crime to which the preprison credit is attributable.
- Preprison credit attributable to multiple crimes shall be deducted from the adjustment beginning with the adjustment for the earliest crime and deducting any remaining preprison credit from the adjustments following the chronological order of the crimes.

Pre-prison credit in excess of the base period of confinement or the multiple crime adjustment shall be deducted from the maximum period of parole (In re Sosa).

Time spent under outpatient status on an "N" commitment is not applicable to parole dates or secondary discharge date.

Time spent as a civil addict outpatient shall apply to ISL maximum terms.

CYA time in custody for the same offense is applicable to the parole date or secondary discharge date.

##### **73030.5.10.1 Application of Pre-prison Credit To Specific BPT Actions**

A BPT action granting parole effective on a specific date is not affected by pre-prison credits.

A BPT action, fixing/re-fixing a term to discharge as of a specific date is not affected by pre-prison credits.

A discharge date fixed/re-fixed by a BPT action cannot fall beyond the expiration of the statutory maximum of the term less pre-prison credits, or occur prior to the statutory minimum term less pre-prison credits.

#### **73030.6 Good time Credit Earning Capability**

Good time credit earning capability after reception into departmental custody is the calculated number of days that can be deducted from a sentence for good behavior and for participation in a work/training program.

#### **73030.6.1 Good time Credit DSL Term (PC 2931)**

The determinate sentence law provides for a one-third reduction of sentence for inmates who function satisfactorily while incarcerated subject to the provisions of PC 2931.

This one-third reduction is divided into behavior credits (BC) and participation credits (PC), collectively called good time/work time credits.

Any case factors that cause the term of the inmate to be modified shall necessitate the recalculation of good time/work time credit.

#### **73030.6.2 DSL Good Time Credit and ISL Recalculations**

The provisions of PC 2931 apply to any term that was sentenced pursuant to PC 1170 for offenses committed between 7-1-77 and 12-31-82 or for all offenses if committed prior to 7-1-77 and recalculated pursuant to PC 1170.2.

#### **73030.6.3 DSL Work time Credits (PC 2933)**

*Revised December 24, 1992*

Inmates serving a sentence(s) for an offense committed on or after January 1, 1983, or on offenses committed prior to January 1, 1983 in which the inmate has exercised a waiver pursuant to PC 2934 shall serve the entire or remaining portion of the sentence imposed by the court, except for a reduction in time served for performance of work, training, and/or education programs.

Earned work time for inmates in fulltime credit-qualifying programs is a reduction in sentence of one day for each day worked/participated in an education or training program. A minimum of six hours must be recorded each assigned workday to earn fulltime credit.

- Worktime credit earned pursuant to PC 2933 shall not apply to life terms with the following exceptions:
  - Sentences for attempted assassinations as specified in PC 217.1(b).
  - Habitual offenders sentenced pursuant to PC 667.7(a)(1) and PC 667.75.
- Worktime credit earned pursuant to PC 2933 shall not apply to terms where the court has found that the provisions of PC 2933.5 apply.

The policy and procedures relating to the IW/TIP are contained in the CCR 3043, 3044, and 3045.

#### **73030.6.4 Waiver of Good time Credits (PC 2934)**

Those inmates whose commitment offenses occurred after 7-1-77 and prior to 1-1-83 and those whose terms were recalculated pursuant to PC 1170.2, and are in full-time credit-qualifying work/training assignments, have the option to waive rights to good time credits under PC 2931 and to earn work time credits pursuant to PC 2933. (Inmates in less than full-time assignments will not benefit from waiving such rights.) See DOM 73030.8.11.

#### **73030.6.5 Good Time/Work Time Credit Terminology**

The recording and computing of good time/work time credits that are earned, forfeited, and restored are essential elements in the keeping of accurate inmate term information.

Credits earned are the recorded number of days that have been reported indicating the inmate's daily participation in assigned work, training, and/or education programs.

Credit forfeited is the number of good time/work time days that are assessed for a disciplinary infraction(s).

Any person serving a SHU term as a result of any serious disciplinary infraction shall, in addition to any forfeiture of time credits, be ineligible to receive work time credits for the length of the credit loss or the SHU term, whichever is shorter.

Credit liens are those credits assessed by the disciplinary hearing officer/committee and confirmed by proper classification committee action that are in excess of credits already earned and will be recorded as a lien against credits to be earned.

Credits restored are those forfeited good time/work time credits that are:

- Restored through the review or appeal process.
- Reinstated by a classification committee to the inmate following a clean disciplinary period pursuant to PC 2933 and DOM 52080.

#### **73030.6.6 Automated Time Collection and Time Adjustment System**

*Revised March 16, 1995*

The IW/TIP Time Collection and Time Adjustment Systems for DSL inmates are automated and are part of OBIS.

Time collection for credit-earning lifer cases may be maintained in the computer; however, time adjustments for determining the MEPD shall be calculated manually.

The time collection and time adjustment systems permit direct input of IW/TIP work time, credit losses and restorations, and the scanning of the CDC Form 191, Inmate Timecard, using the DDPS.

The systems will not interface with the DSL commitment and Good time Credit (GTC) systems until commitment data have been modified and GTC has been vested.

Classification chrono information relating to IW/TIP and inmate timecard data shall be entered or scanned into the system upon receipt in the case records office.

All timecards shall be filed on top of the general chronos. This shall eliminate the possibility of losing timecards prior to purge. See DOM 73030.10.2 and 73030.16.9 for purge requirements.

#### **73030.7 Commitment Data and Sentencing Rules**

Commitment data and the rules for sentencing as prescribed by statute are outlined in this section.

##### **73030.7.1 Commitment Data and OBIS Entry**

All commitment data will be entered into OBIS as instructed in DOM 41020.

##### **73030.7.2 Commitment Documents**

When a judgment has been pronounced, the sentencing court directs forwarding of certified copies of the commitment documents (PC 1216):

- Abstract of Judgment and/or Minute Order pursuant to PC 1213 and 1213.5.
- Charging document/Information pursuant to PC 1203.01.
- Transcript of proceeding at time of plea, if the defendant pleaded guilty pursuant to PC 1203.01.

- Transcript of proceedings at time of sentencing pursuant to PC 1203.01.

#### **73030.7.3 Principal Term**

The principal term consists of the greatest term of imprisonment imposed by the court for any of the crimes, including any enhancements imposed pursuant to PC 667.8, 667.85, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.6, 12022.7, 12022.75, 12022.8, or 12022.9; and, H&SC 11370.4 or 11379.8. (Refer to PC 1170.1(a) for any additional enhancements.)

#### **73030.7.4 Wholly Consecutive Terms**

A full consecutive (CS) sentence is an enhancement (Cal Rules of Court, Rule 405(c)). Wholly consecutive terms include in-prison offenses pursuant to PC 1170.1(c), certain sex offenses as specified in PC 667.6(c), multiple felony convictions as specified in PC 1170.15, and any other offense fully CS by statute.

#### **73030.7.5 Consecutive Subordinate Terms**

The subordinate term for each consecutive offense shall consist of one-third of the middle term of imprisonment prescribed for which a CS term of imprisonment is imposed, except those subordinate terms for specific offenses as specified in PC.

Subordinate terms for "Violent Felonies" defined in subsection(c) of PC 667.5 shall include one-third of any enhancement imposed pursuant to those sections set forth in PC 1170.1(a).

Subordinate terms for any offense not listed in subsection (c) of PC 667.5 shall exclude any enhancements. (PC 1170.1(a)).

The total term for subordinate non-violent felonies shall not exceed five years, except when a CS sentence is being imposed pursuant to PC 1170.1(b) and (c)). PC 1170.95 and other code sections providing exception.

The term of imprisonment shall not exceed twice the number of years imposed as the base term pursuant to PC 1170(b) unless the person has been convicted of a felony listed in PC 667.5(c) or enhancements are imposed pursuant to PC 1170.1 (b), (c), and (g) or H&SC 11370.4.

#### **73030.7.6 Concurrent Terms**

Concurrent (CC) terms are terms for multiple cases or counts that are served simultaneously or terms which can be served at the same time.

When an additional commitment is received by mail or after an inmate is returned from court with additional commitment where the trial and conviction occurred prior to imprisonment, or the commitment is a concurrent probation revoked case, the additional commitment shall be considered as wholly concurrent.

Term starts as of the date the inmate initially was received on the original term.

#### **73030.7.7 Partially Concurrent Terms**

When an inmate is removed from prison for trial on an additional charge which was committed before his original receipt by the Department, and he/she is returned to prison with an additional commitment in which it is specified that the additional commitment is CC with the preceding commitment(s), the additional commitment shall be considered a partially CC term.

Time on the new term starts as of the date of return with the new CC term.

#### **73030.7.8 Computation of CC Terms**

CC terms require a separate computation for each term or count.

The term which retains the person in custody the longest shall be the controlling term.

#### **73030.7.9 DSL Enhancements**

In addition to the penalty imposed for crimes on a sentence, terms may be enhanced for:

- Possession and/or use of weapons as specified in PC 12022, 12022.2, 12022.3, 12022.4, and 12022.5.
- A felony committed while released on bail pursuant to PC 12022.1.
- Felony taking, damaging, or destroying of property as specified in PC 12022.6.
- Infliction of great bodily injury (GBI) pursuant to PC 12022.7, 12022.8, and 12022.9.
- Felony offenses involving controlled substances as specified in H&SC §§ 11356.5, 11370.2, 11370.4, 11379.8, and PC § 12022.75.

#### **73030.7.10 Enhancements—Prior Prison Terms**

Pursuant to PC 667.5 (g), a prior prison term (PPT) is a prior felony conviction which resulted in a continuous completed period of prison incarceration imposed for a particular offense alone, or in combination with CC or CS sentences received before release on parole or discharge, whichever occurs first.

- If the person was returned to prison on revocation of parole, which is not accompanied by a new commitment to prison, the period shall count as a single PPT.
- If any inprison offense is required by law to be served after completion of an earlier prison commitment, the original commitment and the inprison commitment count as separate PPT's.
- If the inmate was returned to prison from parole with a new term, the new term shall count as a second PPT.
- A commitment to DMH as a mentally disordered sex offender (MDSO) following a felony conviction is a PPT if the commitment exceeds one year. If the inmate subsequently is committed to prison for the same offense after termination of the MDSO commitment the time in DMH and CDC shall count as a single PPT.
- When an inmate subject to the custody, control, and discipline of the Director is incarcerated at a facility operated by the CYA, that incarceration shall count as a prior prison term.

Time spent in any state or federal penal institution, including any time which is credited as service of prison time in that jurisdiction may count as a prior prison term. If served other than in California, the inmate must have actually served at least one year, and it must have been for a crime that is punishable by imprisonment in state prison in California.

A violent PPT with a violent commitment offense shall be enhanced by three years for each pled and proved PPT, unless the inmate remained free of both prison custody and the commission of an offense which results in a felony conviction for a period of 10 years immediately preceding the commission of the current commitment offense. (Violent felonies are defined in PC 667.5(c).)

#### **73030.7.11 Enhancement—Prior Felony Convictions (Habitual Criminal)**

Pursuant to PC 667(a), any person convicted of a serious felony who has previously been convicted of a serious felony (as listed in PC 1192.7(c)) in this state, or of any offense committed in another jurisdiction which includes all the elements of any serious felony shall receive a five year enhancement for each such prior conviction on charges brought and tried separately.

There is no requirement of prior incarceration or commitment for a prior felony conviction (PFC).

PC 1385(b) prohibits a judge from striking any prior conviction of a serious felony for purposes of enhancement of a sentence under PC 667 for any sentence for crimes committed on or after May 6, 1986. This was added to the PC in 1986 which abrogates the holding in People v. Fritz.

There is no limit on the number of PFCs imposed under PC 667(a).

#### **73030.7.12 DSL Total Term**

The total term shall be the aggregate term of imprisonment for all of the convictions and shall be the sum of the principal term, the subordinate term(s) and any additional term imposed for enhancements and/or prior prison terms.

#### **73030.8 DSL Term Calculation**

The procedures set forth in this section shall apply to DSL terms and cases recalculated pursuant to PC 1170.2(a)(b).

##### **73030.8.1 Starting of Term**

The term of imprisonment fixed by a judgment commences upon actual delivery of the inmate into the custody of the Director at a place designated for reception of convicted felons (PC 2900).

- The Director shall designate a facility of another jurisdiction as the place of reception:
  - When pursuant to the Interstate Agreement on Detainers, an inmate of another jurisdiction has been sentenced to a CC California term.
  - When a person committed to a facility of another jurisdiction is subsequently ordered to serve a CC California term.

The date of reception is included in its entirety regardless of the time of reception.

An inmate must serve the full 24-hour period to receive credit for any succeeding day.

##### **73030.8.2 Received Date**

The received date is the date of initial receipt into a facility of the Department, usually a reception center or a facility of another jurisdiction as designated by the Director.

The received date into a facility may be verified by checking the following documents:

- CDC Form 123, Body Receipt.
- Date and time stamped on the Abstract of Judgment or Minute Order.

##### **73030.8.3 Time Served**

Time served is the total time in years, months, and days from the date of receipt in the Department to a given date.

##### **73030.8.4 Ceasing of Time**

Time ceases to run as of the date of escape or parole suspension.

The date of the event is excluded in its entirety.

Time ceases to run when a person is released on bail or appeal bond pursuant to PC 1272 or 1506 or any other provision of law permitting legal release and shall not be credited as service on the prison term. [PC 2900 (c)(1).]

##### **73030.8.5 Dead Time/at-Large Time**

*Revised December 24, 1992*

Time which is not credited as time served.

Dead time or at-large time is accrued while on escape status [PC 2900(c)(2)], while parole/release has been suspended, or while released on bail or appeal bond and shall be computed in total number of days.

The number of days of dead time shall be posted on the CDC Form 112 and entered into OBIS.

Dead time or at-large time ceases upon:

- Return to a departmental facility.
- Date of arrest in California of an escapee.
- Date available for return from out-of-state.
- Date of arrest in state of parole jurisdiction.
- Date bail is exonerated and inmate is remanded to custody.

##### **73030.8.6 Escape or Parole Violators**

PC 2900(c)(2) states: “. . .the prisoner shall be deemed an escapee and fugitive from justice, until the prisoner is available to return to the custody of the Director or the State of California . . .”

An escapee or parole violator is entitled to credit on their sentence for time in custody of another jurisdiction when they are held on "our Hold only" and are available for pickup by the Department's agents.

An escapee or parole violator held in custody in another state on "our Hold only," but who is not available because they are resisting extradition, is not entitled to credit (on the California term) served in jail while resisting extradition (In re Pearce 1974 40 Cal App 3d 399).

A parole violator in local confinement is deemed available on the date our hold was placed or, if previously declared at-large and suspended from parole supervision, on the date of arrest.

An escapee or parole violator in local confinement (California jail or DMH) is deemed available to the Department except when they are serving a sentence in lieu of a fine or a sentence expressly ordered to run consecutively to the existing prior prison term.

##### **73030.8.7 Maximum Release Date**

The maximum release date is calculated by adding the term ordered by the court to the term starts date and subtracting applicable pre-prison credits.

#### **73030.8.8 Minimum Release Dates**

ISL (crime committed prior to 7-1-77):

- The minimum term is established by statute.
- The MEPD is determined by adding the statutory minimum term of confinement or the result of computation of aggregate minimum terms to the received date and subtracting any applicable preprison credits.

DSL (PC 2931, crime committed on or after 7-1-77):

The minimum DSL (MIN DSL) release date is calculated by subtracting all applicable days of good time credit from the maximum release date.

- This date shall be adjusted by any credits forfeited and/or restored in the disciplinary process.

DSL IW/TIP (PC 2933, crime committed on or after 1-1-83):

The EPRD is determined in these steps:

- Subtract all earned worktime credit, adjusted by any loss/restoration, from the maximum release date, the result of which is the current release date.
- Subtract from the current release date the date through which credit was applied.
- Divide the remaining number of days eligible for credit based on credit earning status.
- Subtract the resulting number of days from the current release date. That date is the EPRD.

An EPRD is a projected date contingent upon the inmate remaining in the same credit earning work group, having no unexcused absences, and no forfeited or restored credit.

#### **73030.8.9 Calculation of Good time Credit (PC 2931)**

To determine the total amount of good time credit to be applied to reduce a term pursuant to PC 2931:

- Add the term to the term start date for that particular case and subtract applicable presentence and postsentence credit. The resulting date is the maximum release date.
- Determine the number of days eligible for goodtime credit by subtracting the term start date from the maximum release date and adding postsentence credit.
- Divide the number of days by three. The resulting number is the total number of days of goodtime credit to be granted.
  - Fractions shall be increased to the next whole number.
- Subtract the total goodtime from the maximum release date. The resulting date is the MIN DSL release date.

#### **73030.8.10 Good Behavior and Participation Credit**

The total good time credit shall be further divided into behavior credit and participation credit.

- The amount of participation credit is determined by dividing the total amount of goodtime credit by four.
- The remaining number of days of credit is behavior credit.
- When calculating participation and behavior credits, fractions shall be changed to the closest whole number except when the fraction is one-half. A fraction of one-half shall increase behavior credits to the next whole number.

#### **73030.8.11 Waiver Processing**

Inmates electing to waive PC 2931 credits shall be required to sign a CDC Form 916, irrevocable Time Credit Waiver Form, to be witnessed by their counselor. The effective date shall be documented on the CDC Form 916.

The waiver shall become effective when accepted by the Department.

A waiver shall not be accepted if the inmate is within 30 days of their current release date.

The counselor witnessing the waiver shall verify the inmate's work status and current release date and shall fill in the date the waiver shall become effective. The counselor shall immediately forward the completed and signed waiver to the CCRM for processing.

Inmates who were assigned to less than a full-day assignment on January 1, 1983, and are subsequently reassigned to a full-day assignment shall be given the same option at the time of their reassignment.

#### **73030.8.12 Vested Credit**

Following acceptance of a waiver, the specialist shall compute the amount of good time credit already earned on the controlling term pursuant to PC 2931 from the date of reception into the Department on or after 7-1-77, to the effective date of waiver.

The credit earned, minus any credit previously forfeited and/or restored by classification action on disciplinary received prior to the effective date of waiver, shall be vested and not subject to future loss.

Vested credit on cases sentenced pursuant to PC 2933 (crime committed on or after 1-1-83) is good time on post-sentence credit.

The application of vested credit will generate a new Legal Status Summary, a copy of which will be sent to the inmate.

#### **73030.8.13 Calculation of Work time Credit (PC 2933)**

The following steps shall be taken to determine the release date on a term eligible for work time credit:

- Add the controlling term to the term start date on the controlling case and subtract applicable preprison credit. The resulting date is the maximum release date.
- The maximum release and current release dates are the same until vested credit and/or worktime credits are applied to the term.
- The adjusted maximum release date is arrived at by subtracting vested credit from the original maximum release date.
- The current release date is changed as earned worktime credits are applied and/or credits are forfeited or restored.
- The EPRD is projected each time earned worktime credits or forfeited or restored credits are applied to the current release date or there is a change in credit earning status. The application of worktime credits, adjusted by any credits forfeited or restored, through any working month or portion thereof, results in a new current release date. Subtracting the date through which credit was applied from the new current release date determines the remaining number of days eligible for goodtime then divisible based on the inmate's credit earning status. The resulting number of days subtracted from the new current release date is the EPRD.

### **73030.9 Work Credit Gains**

Work time credits shall be applied/gained at least once every six months.

The work credit gain will appear on subsequent work credit query computer screens.

### **73030.10 Legal Status Summary**

This will generate a Legal Status Summary, a copy of which shall be given to the inmate. Staff other than case records staff shall have the inmate acknowledge receipt of the revised Legal Status Summary by signing a CDC 128-B.

### **73030.10.1 Legal Status Summary Appeal**

The contents of the Legal Status Summary may be appealed by the inmate through the Department's appeal process and within the established time frames.

### **73030.10.2 Purging of Time Cards**

If no appeal is taken by the inmate the action shall become final and all timecards for the time worked prior to the credit gain shall be purged from the C-File.

### **73030.11 OBIS Entry of 1983/Pre 1983 Mixed Cases**

A computer program enables identification of 1983/pre-1983 mixed cases and permits case records staff to set a "flag" to alert counseling staff that an IW/TIP Waiver is needed on the pre-1983 case(s).

A line, "Eligible for PC 2934 Waiver," has been added to the auto or manual vesting computer screen.

When entering 1983/pre 1983 mixed cases at the time of initial processing, the operator shall enter "Y".

This entry will set the flag, and a computer-generated notation "Eligible for PC 2934 Waiver" shall be printed on the Legal Status Summary page.

In those cases in which a waiver has been processed, the operator shall remove the flag deleting the notation from the Legal Status Summary page.

### **73030.12 OBIS Entry- Credit Loss**

As CDC Form 115 credit losses are received, case records staff shall make a Work Credit Loss entry directly into the system.

The system will edit the entry to ensure that the log number has not been previously entered and the violation category and days lost are appropriate for the category and vice versa.

Should errors occur during the editing process, the error will be identified on the terminal screen.

The operator shall ensure any error is not an entry error.

If the error is not an entry error, the matter shall be referred to the chief disciplinary hearing officer for correction.

If no errors are found, the entry will be processed by the system resulting in a new Legal Status Summary being generated.

The credit loss will appear on subsequent work credit queries.

### **73030.13 OBIS Entry- Credit Restoration**

Modifications or reversals of a credit loss action by a classification committee or through an appeal review shall be reported immediately to the records staff. This shall be done in writing to alert staff of a pending modification of the inmate's release date.

When a credit restoration chrono is received, case records staff shall make a Work Credit Restoration entry directly into the system.

When entered, the transaction shall be edited to ensure that the loss entry for which the time is being restored is in the system and the time restored does not exceed the original time loss.

Should errors occur during the editing process, the entry will not be accepted by the system and referral to the case records specialist for resolution and subsequent reentry is required.

If no errors are found, the entry will be processed by the system, resulting in a new Legal Status Summary being generated.

Credit restorations will appear on subsequent work credit queries.

### **73030.14 OBIS Entry- Meritorious Credit**

When a Meritorious Credit Grant (MCG) chrono is received, the operator shall make an MCG entry directly into the system.

Meritorious credit shall not be granted in an amount which, when applied, will make the inmate overdue for release.

This entry will be processed by the system and a revised Legal Status Summary generated.

Meritorious credit grants shall be reflected on the CDC Form 188, Legal Status Summary.

### **73030.15 Retention in Custody Past Scheduled Release Date**

*Revised December 24, 1992*

CCR 3323 provides that in some instances a person may be retained in custody beyond their scheduled release date because of a serious disciplinary infraction for which credit may be lost though the CDC Form 115 may ultimately be dismissed or reduced to an administrative infraction.

It is necessary that the C-File reflect the reason the person was retained in custody.

The following procedures are authorized by CCR 3323 and should be used to properly record this information:

- On the scheduled release date, prepare a CDC Form 128-B chrono indicating "Subject being retained in custody pending disposition of CDC Form 115 Log # \_\_\_\_\_ for which \_\_\_\_\_ days may be lost."
- Post entry on CDC Form 112, "Retained in custody pending disposition of CDC Form 115 Log # \_\_\_\_\_."
- If the CDC Form 115 is dismissed, prepare another CDC Form 128-B indicating "CDC Form 115 of ( date ) dismissed. Subject released on parole."
- Post entry on CDC Form 112, "Disciplinary dismissed. Released on parole. Parole period starts (indicate scheduled release date)."
- Any days attributed to time held past release date on a pending CDC Form 115 subsequently dismissed shall be deducted from the maximum parole period.

### **73030.15.1 Dismissed Disciplinary Reports**

CCR 3326 provides that all references to dismissed CDC Form 115s must be removed from the records.

### **73030.16 Parole Violator Returned To Custody (PVRTC)**

A parolee may be returned to custody in the following circumstances:

- After revocation of parole by the BPT for violating a condition(s) of parole pursuant to PC 3056 (PVRTC).

- Upon conviction for a new term of imprisonment (also known as PVWNT).

#### **73030.16.1 PVRTC Work time Credits**

Except for parolees specifically excluded in DOM 73030.16.3, any period of revocation time imposed by the BPT may be reduced by work time credits earned in accordance with the CCR 3044(b).

Work time credits for PVRTCs shall only be earned for time served on or after 9-30-1987.

#### **73030.16.2 Work time Credits For PVRTC County Jail/Community Correctional Centers**

PVRTCs detained and/or serving parole revocation time in a county jail or community correctional center are eligible to earn work time credits pursuant to PC 2933 provided they qualify under criteria set forth in PC 3057(d)(1).

#### **73030.16.3 PVRTC Work time Credit Exclusion Criteria**

Parolees serving a period of revocation time are not eligible to earn work time credits if:

- Sentenced under PC 1168 with a maximum term of life.
- Found unsuitable by the BPT to earn worktime credits.
- The condition of parole violation related to association with specified persons, entering prohibited areas, failure to attend POC, or failure to obtain psychiatric attention.
- Found guilty and revoked on parole violation charge(s) for conduct described in, or that could be prosecuted under, one or more of the offenses, attempted offenses, or enhancements listed in PC 3057(d)(2)(C).
- The current prison commitment, for which the parolee was serving a period of parole, was for one or more of the offenses, attempted offenses, or enhancements listed in PC 3057(d)(2)(C).

#### **73030.16.4 PVRTC Credit Forfeited**

Work time credit earned by PVRTCs may be forfeited for disciplinary infractions as provided for in the CCR 323 [PC3057(d)(1)].

A PVRTC who commits a disciplinary infraction for which credits may be forfeited is subject to a parole revocation extension hearing. At that hearing, the BPT will determine whether to suspend eligibility for work time credits for the number of days forfeited for the infraction, in addition to any extended period of revocation.

#### **73030.16.5 PVRTC Credit Restoration**

Work time credit forfeited by PVRTCs for disciplinary infractions shall not be restored (PC 3057(d)(1)).

#### **73030.16.6 PVRTC Meritorious Credit**

PVRTCs are not eligible to be granted meritorious credit.

#### **73030.16.7 Computation of PVRTC Release Date**

*Revised December 24, 1992*

Time on a revocation period starts on the date a parole violator is available for return to the custody of the Department. See DOM 73030.8.6 for availability criteria.

Computation of parole revocation release dates will be done manually.

Revocation release date (RRD)—ineligible for PC 2933 credit.

Add the assessed revocation period to the date of arrest/hold placed/ available for return to custody of the Department.

- Pursuant to BPT Rule 2635.1, the revocation period for a parolee whose original crime was committed on or before 12-31-78 may not exceed six months. The revocation period for a parolee whose original crime was committed on or after 1-1-79 may not exceed one year.

Projected revocation release date (PRRD)—eligible for PC 2933 credit.

The maximum revocation release date (MRRD) is determined by adding the assessed revocation time to the date of arrest/holdplaced/available to the Department. The MRRD is adjusted by credits forfeited and number of days during which eligibility was suspended.

The application of work time credits to the adjusted maximum, through any working month or portion thereof, results in the number of days left to serve, then divisible based on the inmate's credit earning status. The resulting number of days is then subtracted from the date of application. That date is the PRRD.

A projected revocation release date (PRRD) is calculated each time earned work time credit and/or forfeited credit is applied or when there is a change in legal status or credit earning status.

#### **73030.16.8 Parole Violators With New Terms**

Separate computations of release dates for parole violators with new terms shall be completed on both the old and new term to determine the controlling release date.

If, after calculation of both cases, the release date on the new term controls, the previous case shall be discharged pursuant to BPT 2649.

If the release date (RRD, PRRD) on the original term controls, the case will be referred to the BPT for determination of the controlling release date.

- Prior terms of nonrevoked violators returning with new terms will be discharged without a revocation hearing if the new commitment resulted from behavior which occurred prior to the parole date on the prior term.

If the BPT decision is to retain the inmate on the original case, separate release dates will be maintained on both terms, and the inmate will be released on the case that retains them in custody for the longest period of time.

People v. Mitchell (244 Cal Rpt 803 1988).

The ruling in this case allows for consecutive sentencing of a new term to parole revocation time. If the court orders a new term to run CS to parole revocation, the term start date on the new commitment will be the RRD/PRRD and the original case will not be discharged.

#### **73030.16.9 OBIS Processing Parole Violators Work time**

Parole violators, returned to custody or returned with new terms, and/or inmates receiving additional controlling CC terms who have previous work incentive credit on the earlier term(s) cannot be accurately processed by the DSL/GTC computer system since the previous work history/credit is incorrectly brought forward to the new term. Therefore, additional processing is required:

A parole violator returned to custody to serve a revocation period and eligible for credit pursuant to PC 2933 is processed by entering work time credit on the revocation period, sequential to the existing credit history, beginning on the date of arrest/hold placed/available to CDC, whichever is appropriate.

A parole violator returned to custody with a new controlling term, whose previous term is discharging (BPT 2649), is processed by obtaining a hard copy printout from OBIS of all previous work time credit history using the Timecard Query Screen and Work Credit Query Screen. The hard copy is filed in the C-File under the general chronos.

- Telephone LPU at (916) 323-7373 or ATSS 473-7373 to request a deletion of previous worktime and credit history. Upon deletion, all entries will be eliminated from the computer.

A parole violator with a new non-controlling term, i.e., whose revocation period exceeds that of the new term, will be processed by obtaining a hard copy and deleting the previous credit history. Credit on the new term is then entered in the normal manner, but only to the date calculated as the EPRD.

Timecards on revoked cases will be destroyed only after a hard copy of the previous history is obtained and previous credit history is deleted.

#### **73030.16.10 PVRTC Controlling Discharge Date**

*Revised December 24, 1992*

Unless the BPT waives the parole period, inmates shall serve a period of parole as specified in PC 3000(a) or (b).

Pursuant to PC 3000(a), an inmate subject to three or five year parole periods may not be retained under parole supervision for longer than four or seven years, respectively, except for periods of suspension.

The maximum statutory period of parole shall be computed from the date of initial parole, or July 1, 1977, whichever is later, and shall be a period chronologically determined.

Time during which parole is suspended because the parolee has absconded or has been returned to custody as a parole violator will not be credited toward the period of parole unless he/she is found not guilty of the parole violation.

A period of return to custody for psychiatric treatment will not be added to the parole period unless so ordered by the BPT.

Calculate the projected controlling discharge date (PCDD) of a PVRTC eligible for PC 2933 credit by adding the applicable parole period, the actual time projected to be served on the revocation period, and any suspension to the parole period.

Calculate the controlling discharge date (CDD) of a PVRTC not eligible for PC 2933 credit by adding the applicable parole period, the actual time served on the revocation period, and any suspension to the parole board.

- In the event the maximum discharge date precedes the revocation release date, the inmate will be discharged from departmental custody on the maximum date.

#### **73030.16.11 Waiver of Parole**

*Revised March 16, 1995*

Pursuant to PC 3000, the parole authority may waive the parole period of inmates sentenced under PC 1168, 1170, or at the expiration of a term reduced under PC 2931 and/or 2933.

The C&PR shall submit any case, using the following criteria, staff deem acceptable for waiver of parole to the parole authority for consideration of waiver of parole.

Cases may be referred to the parole authority for consideration of waiver of parole unless the term consists of three or more offenses, or where the commitment offense(s) was committed while subject to youth or adult parole supervision, or if the commitment offense(s) included any of the following PC: 187, 192, 203, 207, 209, 212.5(a), 214, 217, 217.1, 220, 236, 243, 245, 245.3, 261(2)(3)(4), 264, 264.1, 286(c), 286(d), 288, 288A(c), 288A(d), 288.5, 289, 452(a), 459/461.1, 4500, 4501, 4501.5, 4503, 4574(a), 12020, 12021, 12022, 12022.5, 12022.7, 12022.9, 12560, 23101, and 23153.

#### **73030.16.12 Discharge Review**

*Revised March 16, 1995*

Pursuant to PC 3001, the parole of any person who was not imprisoned for committing a violent felony as defined in PC667.5(c) and has been on parole continuously for one year since release from confinement, shall be discharged unless the Department determines that the person shall continue on parole. At the final pre-parole audit prior to either original release on parole or release after service of a revocation period, a discharge review date will be set at one year after the actual release date unless the maximum discharge date precedes the review date, in which case no date for further review will be set.

The discharge review date shall be posted to the CDC Form 112.

#### **73030.17 ISL Terms**

Terms for offenses committed prior to 7-1-77 under the Indeterminate Sentence Law pursuant to PC 1168(b), where release was determined by the paroling authority are called ISL cases.

##### **73030.17.1 Recalculation of ISL Terms**

The majority of terms under the ISL require recalculation based on the Determinate Sentence Law (DSL) pursuant to PC 1170.2.

The DSL provides several indeterminate sentences for specific crimes. Those crimes that remain indeterminate do not require recalculation.

- Any case for which the statutory penalty is one-year-and-one-day, except as specified determinate in PC, is an indeterminate sentence under this section. See DOM 73010.6.18 on DSL indeterminate terms.

##### **73030.17.2 ISL Primary Term Fix**

In re Rodriguez (14 Cal 3d 639 1975) held that the paroling authority must determine the time of incarceration based on the severity of the crime(s).

##### **73030.17.3 Extended Term Considerations**

PC 1170.2(b) gives the BPT authority to hold hearings for the purpose of possibly extending an inmate's normally recalculated DSL term. These are called Extended Term Hearings (ETH).

##### **73030.17.3.1 First Screening**

The CCRM (CCRM) is responsible for the first screening of an inmate's case dynamics to determine if an ETH may be necessary. The CCRM shall be guided by the law in determining if the inmate fits the criteria for an ETH.

A CDC Form 678 shall be completed in all applicable cases even for those not meeting the criteria for an ETH. The CDC Form 678 shall accompany the C-File through the screening process.

### **73030.17.3.2 Criteria For Extended Term Hearings**

The CCRM shall indicate an ETH is required if the inmate was convicted of any of the following crimes, or in the following circumstances, whether the count was stayed or resulted in a commitment to State prison:

- PC 187, Second degree murder.
- PC 192, Voluntary manslaughter.
- PC 203, Mayhem.
- PC 211/213, First degree robbery or robbery with great bodily injury.
- PC 217, Assault with intent to commit murder.
- PC 243, Battery with serious bodily injury.
- PC 245, Assault with a deadly weapon.
- PC 261(2), 261(3), and 261(4), Forcible rape.
- PC 261/264, Rape with great bodily injury.
- PC 286(c), Sodomy on child or by force.
- PC 286(d), Aid sodomy with force.
- PC 288, Lewd acts on a child under 14.
- PC 288a(C), Oral copulation with force.
- PC 288a(D), Aid oral copulation with force.
- PC 459/461, First degree burglary or burglary with great bodily injury.
- PC 4501, Assault by a prisoner.
- PC 4501.5, Battery on a prisoner.
- CS sentences. Any case in which a CS sentence has been imposed.
- Multiple convictions. Any case in which the person has suffered three or more felony convictions either in a single or separate proceeding for the crimes of robbery, first degree burglary, burglary with explosives, arson, assault with intent to commit murder, extortion, kidnapping, or escape from a state prison with force or violence; or, any case in which the person has suffered five or more felony convictions either in a single or separate proceeding.
- PPTs. Any prisoner with two or more PPTs.
- Arming, use of weapon, GBI. Any case in which the factual circumstances of any current crime indicate that the prisoner was armed with a deadly weapon, used a firearm, or inflicted or attempted to inflict GBI on the victim.
- Early release. Any case in which the ISL parole date is more than one year later than the DSL release date.

### **73030.17.3.3 Not an ETH Case, PC 1170.2(A)**

The CDC Form 144, DSL Control Card, shall be checked in the appropriate space to indicate it is not an ETH case and it will be filed with other CDC Form 144 cards in the normal manner, with earliest release dates first.

### **73030.17.3.4 Initially An ETH Case**

If the CCRM, during the first screening, determines that the inmate meets ETH criteria, the CDC Form 144 card shall be marked to reflect it as a PC 1170.2(b) case. The DSL Control Card shall be filed with other ETH DSL Control Cards.

### **73030.17.3.5 Subsequent Screening**

The BPT may do second and third ETH screenings. Frequently, the third BPT screening will take place without second screening. The BPT can designate a case a PC 1170.2(a) case at any point during the screening process.

If the BPT determines that an inmate is a PC 1170.2(a) (no ETH necessary), then the CCRM shall update the CDC Form 144 to reflect that change.

The third BPT screening shall be reflected on BPT Form 1091. The original shall remain with the C-file with copies going to BPT Headquarters, Research, and the inmate.

If the case is an overdue PC 1170.2(a) case, or scheduled for release within 60 days according to the DSL calculation, the case shall be referred to P&CSD within five days of discovery. The CDC Form 611 shall be identified as a priority case.

### **73030.17.3.6 Extended Term Hearing**

PC 1170.2(b) and 3041.5 require that the inmate be notified within 90 days of receipt into the Department if he/she is scheduled for an ETH and the hearing must be held within 120 days of receipt. The 120 days is computed from the latest of the date:

- Of reception.
- Of return to prison from court.
- On return to prison from another jurisdiction following service of a commitment to which a California term is ordered to be served consecutively.
- An amended Abstract of Judgment is received by CDC.

The screenings will be expedited and submitted to the BPT within the time frames set forth in this section.

A BPT Form 1080, Notice of Date, Time and Place of Hearing, and BPT Form 1092, Extended Term Hearing Notice, shall be prepared in duplicate and forwarded to the inmate's counselor who shall have the inmate acknowledge receipt of the forms and return the original to the C-File.

### **73030.17.3.7 PC 3022/3042 Notices**

For those inmates who will have an ETH (after final determination is made by the BPT), notices shall be sent to the judge and DA only. The notice shall indicate that a hearing will be held "no earlier than 30 days after the date of this notice." No ETH shall be held until the statutory 30 days have elapsed after mailing of the notice.

### **73030.18 Computation of ISL Terms**

The following procedures and forms shall be used in determining the release date of inmates sentenced under the Indeterminate Sentence Law and recalculated pursuant to PC 1170.2.

### 73030.18.1 CDC Form 679, ISL Computation Work Sheet For Retroactive Calculations

The CDC Form 679, Computation Worksheet, shall be used to determine the controlling count in retroactive calculations when multiple counts and/or commitments are present.

The form shall be completed in pencil. Doing one count at a time, enter all case and count numbers and the offense title(s) (Robb. 1st, Burg. 2nd, etc.) under the appropriate heading for each offense.

The middle base term for the offense shall be entered on the form. All time entries shall be written out in years-months-days. The PC shall be used to determine the middle base term.

Add any enhancements for being armed, use of a weapon, or great bodily injury (GBI). See DOM 73030.18.2.1 for criteria on enhancements. If there is no enhancement, enter a zero.

Enter the pre-prison credits that are applicable to the individual count. The received date is listed next in year-month- day order.

Some computations are necessary to finish the process. First, add the middle base and the weapon enhancement, if any. From that total, subtract the net credit. To this figure, add the received date.

#### EXAMPLE:

Middle base, 3 years, recorded as		02-11-30
Weapons enhancement, 1 yr.	+	01-00-00
	=	03-11-30
Net credit to be subtracted	-	00-01-18
	=	03-10-12
Received date	+	77-03-02
	=	81-01-14

The date calculated (in the example, 81-01-14) is entered in the "Date" column. Any prior prison term enhancement(s) is added in the "CS Adj. w/Credits" column. Record that enhancement if appropriate. If the figure represents one-third of the middle base term (plus enhancements under certain circumstances) refer to the enhancements part of this section minus applicable pre-confinement credit for cases ordered to run consecutively with the count being computed. If there is any applicable "dead time," that year-month-day figure is added. Reflect the proper and final date on the "Final Date" line.

#### EXAMPLE:

Date		81-01-14
Priors (Assuming non-violent)	+	01-00-00
	=	82-01-14
(A) CS adjusted with credit (assuming a three year middle base crime with No preconfinement credits	+	01-00-00
	=	83-01-14
Dead Time	+	00-01-01
Final Date	=	83-02-15

This process shall be done for all counts, computing each case fully. When computation of all the counts is completed, the controlling principal count shall be the one with the latest expiring final date. After determining the controlling principal count, proceed to the CDC Form 678, Confinement Computation.

### 73030.18.2 Confinement Computation CDC Form 678

The CDC Form 678, after being signed by the BPT, shall be filed in the BPT Section of the C-file.

The top of the form (from the double horizontal lines upward) shall be completed legibly using black ink. The bottom portion of the form "Parole Board and DSL Data Control Information" shall be completed in soft-lead pencil.

The required information shall be the case number, count number, offense, base term, and adjusted base term for the controlling count. The adjusted base term shall be the same as the base term.

#### 73030.18.2.1 Enhancements - Part I - Weapons

Under DSL provisions, an additional enhancement will be added to the base term in certain circumstances.

- If a firearm was present during the commission or attempted commission of a felony, all principals in the crime receive an additional one-year enhancement, unless such arming is an element of the offense of which convicted.
- A principal is defined as any person who assists, aids, or abets before or during the commission of the crime. The person does not have to be personally armed, and the weapon does not have to be separately pled and proved.
- Any person who personally uses a deadly or dangerous weapon (all weapons other than a firearm) in the commission or attempted commission of a felony shall receive an additional one-year enhancement unless use of a deadly or dangerous weapon is an element of the offense of which convicted. The weapon does not need to be separately pled and proved. In this case "use" is defined as showing or displaying the weapon in a threatening or menacing manner.

#### EXAMPLES:

- A man enters a market with a knife on his belt and states he wants the money or else and motions to the knife. This is a valid use. If the subject made a statement concerning using a deadly or dangerous weapon, but no weapon is observed, the subject's declaration is accepted and the one-year enhancement applied.

- Suspect A and Suspect B enter a store and commit a robbery. Suspect B had an axe and Suspect A was not armed. In this case Suspect B does get a one-year enhancement for personal use of a deadly or dangerous weapon and Suspect A does not because he did not personally use the weapon.
- PC 3024 and 12022. If the inmate had a separate court finding under PC 3024 or 12022, the facts of the offense need to be reviewed.
- If the finding was due to a firearm, a one-year enhancement shall be added to the terms of all principals in the felony.
- If the finding was due to a deadly or dangerous weapon (all weapons except firearms), a one-year enhancement shall be added only if the weapon was personally used.
  - Use is defined as displaying or showing a weapon in a menacing or threatening manner.
  - Principal is defined as any person who assists, aids, or abets before or during the commission of the crime.
- PC 12022.5, Use of Firearm. If a prisoner has a separately pled and proved PC 12022.5, a two-year enhancement shall be added unless use of a firearm is an element of the offense of which convicted. A finding of PC 12022.5, of the commitment offense, makes the crime a violent felony. Violent felonies have different limitations.
- Circle the appropriate PC(s) and record the year-month-day enhancement on the double line provided. Record the enhancement on the corresponding line on the right side of the form.

#### **73030.18.2.2 Enhancements- Part II – Great Bodily Injury**

An enhancement of three-years must be added to the middle DSL term for the underlying crime if the injury involved is GBI under PC 12022.7, and the prisoner was convicted of:

- First Degree Robbery by torture under former PC 211(a) and 213.
- Robbery with GBI under former PC 211(a) and 213.
- Rape with GBI under former PC 264.
- Burglary with GBI under former PC 461.

A three-year enhancement must be added to any ISL case of robbery, burglary, or rape with GBI pled and proved.

When GBI is pled and proved and not an element of the offense of which convicted, an additional enhancement can be added if a PC 12022 or 12022.5 was also pled and proved. If both PC 12022.2 and 12022.5 are present in conjunction with GBI only the largest shall be used.

Circle the appropriate Penal Code Section(s) and record the year-month-day enhancement on the double line provided. Also record the enhancement on the corresponding line on the right side of the form.

#### **73030.18.2.3 Enhancements - Part III – Prior Prison Terms - Violent**

Record a PPT that is a violent felony PPT.

Refer to DOM 73030.7.10 for PPT information.

An enhancement shall be added for a violent PPT as follows:

- Violent PPT with a violent commitment offense will be enhanced by three years for each pled and proved PPT. Violent felonies/priors are defined in PC 667.5(c).
- Violent PPT with a nonviolent commitment offense will be enhanced by one year for each pled and proved PPT.

On the line under "Date Last Released or Felony Conviction," enter the appropriate notation.

EXAMPLE:

- If a person was released from prison on July 12, 1969, and did not have a subsequent felony conviction, then the date last released, July 12, 1969, would be indicated.
- If that same individual had a felony conviction on October 3, 1972, but did not go to prison, then the proper notation would be October 3, 1972 (the last conviction date).
- If there are more priors than the CDC Form 678 will accommodate, write "See Attachment" and list them on the CDC Form 678-A. If more room is still needed, use additional CDC Form 678-As. There is no limit to violent PPT enhancements.

#### **73030.18.2.4 Consecutive In-Prison Sentences (Net) - Part III B**

An offense which is committed while the inmate is housed in state prison, or subject to re-imprisonment for escape, and which is ordered to run CS with the original commitment offense(s), shall be placed in this portion of the CDC Form 678.

- List the case and count number. Consult the Offense Edit Table or the Penal Code for the middle base term. Enter the middle term on this line.
- If there are more CS cases than the CDC form will accommodate, write "See Attachment" and list the cases on the CDC Form 678-A. If more room is still needed, use additional attachments.
- If there are two or more in-prison offenses and they are ordered to run CS to each other, then a principal and subordinate-type computation shall be required.

EXAMPLE:

An inmate is convicted on PC 4502, Possession of a Weapon, and PC 4530(a), Escape with Force, CS with each other and CS with the original term. The escape shall be considered the principal term with a middle base term of 48 months. The possession of the weapon shall be considered the subordinate term with one-third of the middle base term that totals eight months.

In such cases, record the principal or controlling in-prison case first, showing the middle base term, then the subordinate term showing the one-third figure. There is no limitation on the number of in-prison CS cases.

#### **73030.18.2.5 Consecutive Violent Subordinates (Net) -**

When the subordinate offenses are violent felonies, the term is one-third the middle base plus one-third of any enhancement for being armed with a deadly weapon, using a firearm, or inflicting GBI. There is no limitation on the number of CS violent subordinates.

If there are more CS cases than the CDC Form 678 will accommodate, write "See Attachment" and list the cases on the CDC Form 678-A.

If the inmate has CS sentences, but has different received dates, both the CS computation and the CC computation are necessary to obtain the proper DSL date.

- The CS sentence shall be computed as outlined in this section.

- CC sentences or single counts shall be computed as outlined in this section.
- The latest expiring release date under the CC calculation is compared to the release date under the CS calculation. The calculation that resulted in the latest release date is the proper one to record on the CDC Form 678, irrespective of the CS order.

#### **73030.18.2.6 Prior Prison Term - Other - Part III D**

Record in this section any PPT that is not a violent felony PPT.

Refer to DOM 73030.7.10 for PPT information.

All valid nonviolent PPT's carry an enhancement of one year. There are no limits on the actual number of PPTs that can be pled and proved as PFC, but the total years of enhancement cannot exceed the middle base term of the controlling or principal term.

The CDC Form 678-A is to be used if the CDC Form 678 does not have enough lines to accommodate the enhancements (see this section for information on the CDC Form 678-A).

If the PPT enhancement column exceeds the base, make a single large "X" over the year-month-day column and enter the middle base term of the principal/controlling term year-limitations.

On the line under "Date Last Released or Felony Conviction," put the appropriate notation.

EXAMPLE:

- A person was released from prison on June 12, 1973, and remained free of felony conviction and prison custody until the current difficulty. In this case, June 12, 1973, would be recorded on the line.
- If that same person had a felony conviction on November 3, 1975, but did not go to prison, then the date November 3, 1975, would go on the line.

#### **73030.18.2.7 CS Nonviolent Subordinates (Net) - Part III E**

Nonviolent subordinate terms (those counts ordered to run CS with the principal term) are recorded in this area. Assuming that all have the same received date, the enhancement for the subordinate term is one-third of the middle DSL sentence.

- If the CS sentences have different received dates, both CS and CC calculations are necessary to determine the proper method of recording.
- No additional time can be added to nonviolent CS counts for arming. If the principal term is nonviolent with no arming, then the CS nonviolent subordinate terms cannot exceed the base. If the principal term is violent or has arming then the non-violent CS subordinate cannot exceed five years.
- If more space is required to record the subordinate terms than provided for on the CDC Form 678, write "See Attachment" and record the counts on the CDC Form 678-A.

#### **73030.18.2.8 Limitations - Part III F**

Exceeds base.

Regardless of the number of pled and proved prior felony convictions and CS nonviolent sentences, the total of Items D and E cannot exceed twice the base term unless the term has an enhancement for: arming; use of weapon; GBI; or if the commitment offense is for a violent felony or the term includes a CS sentence for in-prison crimes.

More than five years.

The total enhancement for non-violent CS sentences cannot exceed five years.

#### **73030.18.2.9 Total Section III**

Total all enhancements (taking into consideration limitations) in Section III, Parts A, B, C, D, and E. The total is to be recorded on the space provided. That total figure is also to be recorded on the corresponding line on the right side of the form.

#### **73030.18.2.10 Term Enhancements Computation and Date**

Total all terms and enhancements and compute the actual dates.

#### **73030.18.2.11 Total Confinement Time - Line 1**

The total year-month-day figure arrived at by adding the adjusted base term with the enhancement totals is recorded on the right side of the form.

#### **73030.18.2.12 Original Received Date - Line 2**

Record the appropriate received date in year-month-day order (if consecutive cases are involved, the earliest reception date is used).

#### **73030.18.2.13 Unadjusted Maximum DSL - Line 3**

Record the received date plus the total confinement time minus pre-prison credits.

#### **73030.18.2.14 At-Large Time - Line 4**

If the inmate has any at-large time, the number of days of at-large time are added to the unadjusted maximum DSL to reflect the adjusted maximum DSL. If no at-large time is involved, place a zero.

#### **73030.18.2.15 Adjusted Maximum DSL Date - Line 5**

This date reflects the maximum DSL date with application of at-large time. If there is no at-large time, Lines 3 and 5 will read the same. If there is at-large time, Line 4 added to Line 3 will produce the answer for Line 5.

#### **73030.18.2.16 Good time Credits Available - Line 6**

Inmates earn good time credits from July 1, 1977 or from the received date if after July 1, 1977. A one-third reduction of sentence is allowed. To compute this reduction of sentence with a calculator the following formula is used:

- Enter the unadjusted maximum DSL date.
- Subtract the received date, or July 1, 1977, whichever is later.
- Add the number of days granted as post-sentence credit if the post-sentence credit is for time in custody on/after July 1, 1977.
- Divide by 3 = total goodtime/worktime credits available. This calculation may result in a fraction of either one-third or two-thirds. When this happens, the prisoner is given a full day (the fractional number is raised to the next whole number.)
- Enter into memory of the calculator.
- Divide by 4 = days of participation credit (round off to the nearest whole number).
- Multiply PC x 3 = days of goodtime credit (round off to the nearest whole number).

- Record this figure in the "Goodtime Credits Available" space.

#### **73030.18.2.17 Minimum DSL Date - Line 7**

Subtracting the good time/work time from the adjusted maximum DSL will provide the minimum DSL date. Occasionally, when computing a case, the inmate will have an overdue maximum DSL date (the DSL date is earlier than the date the computation is done). In these cases, it is not necessary to compute the minimum DSL date.

#### **73030.18.2.18 Minimum Term – ISL Computation**

Minimum term is computed as follows:

Single commitment, not aggravated. Same as specified for offenses in the Penal Code and records chart, e.g., five years, three years, six months, etc. (PC 3023). EXCEPTION: If the court specifies a six-month minimum term under PC 1202(b) (prior to 7-1-77), the minimum term will be recorded at "6 months (PC 1202(b))" even for Robb. 1st or CS cts. On a mandatory life, minimum term is life.

Single Commitment, Aggravated. Prior Felony (PC 3024). If a PFC is charged and proved, the minimum term is aggravated to two years. EXCEPTION: (PC 667) Petty Theft w/ PFC; (PC 663(3)) Petty Theft with prior Petty Theft; (PC 12025) Carrying Firearm Without License; and (PC 12021) Ex-Felon with a Gun; the minimum term remains six months.

H&SC Priors. If the instant offense is a violation of the H&SC, a prior narcotic conviction (PNC) may be charged and proved. This may be either a felony or misdemeanor conviction.

- Refer to the H&SC section(s) to determine if the PNC aggravates the sentence. If it does, record the prior conviction as a PNC instead of a PFC.

If the instant offense is NSF Checks (PC 476a), record only the prior felony convictions which are charged and proved but do not record a prior misdemeanor (check) conviction, even if it is charged and proved.

Deadly Weapon. If deadly (as distinguished from dangerous) weapon is charged and proved, the minimum term is two years (PC 3024(a)).

Prior and deadly weapon (PC 3024(b)). If both a PFC and a deadly weapon are charged and proved, the minimum term is four years (exceptions noted as applicable). The PFC and/or deadly weapon must be first charged in the accusatory pleading (information, indictment, etc.) and subsequently proved or admitted in court per PC 969, 969c, 1158, and 3024. The minimum term may exceed the maximum sentence by reason of weapons enhancements and priors being charged and proved.

If the Abstract of Judgment is unclear, correspondence shall be directed to the committing court asking for clarification.

Multiple Commitments CS counts (Aggregate Legal Minimums).

- Consecutive sentences are one continuous term.
- The BPT has the authority to refix an earlier consecutive sentence(s) even though the statutory maximum has passed on the earlier sentence(s).
- The first of two consecutive sentences shall not be set to expire prior to the date the person was received for the second sentence.

EXAMPLE:

Inmate received from Los Angeles County for Ct. 1, Forgery W/PFC and Ct. 2, Forgery (Prob. Rev.). Show method used to arrive at minimum term: (Ct. 1: 2 years) + (Ct. 2: 6 months) = 2 1/2 years.

- When all felonies of which the inmate was convicted have minimum terms of ten years or less, and the aggregate of such minimums exceeds ten years, the minimum will be recorded as ten years (PC 3024(d)). The only exception is where a mandatory CS sentence is imposed by statute such as PC 12022.5.
- When one or more of the sentences imposed has a statutory minimum term exceeding ten years, the minimum term will be set at the longest minimum term imposed.

The only exception is where a mandatory CS sentence is imposed, such as PC 12022.5.

- Where an additional consecutive sentence is imposed, such as PC 12022.5, such penalty will be in addition to the minimum term as indicated in subsection above.

CS Terms (Post-Imprisonment Offenses).

EXAMPLE:

Inmate received from Los Angeles County on 10-1-50 for Robb. 1st, 2 cts. CS, and went out-to-court and returned from San Francisco County 12-1-50 for Robb. 1st, 2 cts. CS with present term: Minimum term in this instance is ten years, CS with present term. (Los Angeles County term must expire before San Francisco County term commences because this is a post-imprisonment offense.) In re Cowan (1946, 27 C2d 637, 166 P2d 279). In re Byrnes (1948, 32 C2d 843, P2d 685).

Additional Penalties.

Additional penalties pled and proved under PC 12022 and 12022.5 are CS by statute with the crime of which they are a part. Unless specifically ordered otherwise, the additional penalties are CC with any other offense. It is important that the judgment be followed in recording the terms and computing the minimum term.

#### **73030.18.2.19 Minimum Eligible Parole Date - ISL**

Computation.

- Show the minimum eligible parole date (in years and/or months) and the actual date computed with benefit of preimprisonment credits BPT can legally impose by law.
- When a person has been at-large or CDC time stops after commencement of the term but prior to reaching the minimum eligible parole date, the MEPD must be recomputed immediately after his/her return to CDC to include the time lost. The legal status will show a footnote: e.g., "MEPD includes 122 days time lost on escape."
- When differing credits are involved in multiple count (or old multiple case) commitments, it is important that each MEPD be computed, using appropriate credits, and that the controlling (or longest) MEPD be shown. These are: CS counts; two years or 1/3 of aggregate minimum terms, whichever is the greatest (PC 3049).

Exceptions.

- The provisions of PC 3049 do not apply to increase the MEPD in cases where an additional penalty under PC 12022 or 12022.5 established the CS nature of the terms (e.g., Ct. 1, Attempted Robb. 1st W/Use of Firearm, 6 mos. 20 yrs., CS W/5-Life: minimum term 5-1/2 yrs.: MEPD: Ct. 1: 1 yr. 10 months).

- Minimum term in excess of 1 year: 1/3 of minimum term (PC 3049).

**EXAMPLE:** (Assume arrival date 1-1-90)

<u>Min Term</u>	<u>MEPD</u>	
6 Months	6 mos.	7-01-90
6 months and 6 month CS or 1 year	2 yrs.	1-1-92
1 year	1 yr.	1-1-91
2 yrs. (if CS are not involved)	8 mos.	9-1-90
5 yrs.	1 yr. 8 mos.	9-1-91
5 yrs and 5 yrs. CS	3 yrs. 4 mos.	5-1-93
Life w/ possibility of parole	7 Cal. Yrs.	1-1-97
Habitual Criminal (PC 644a)	9 yrs.	1-1-99
Habitual Criminal (PC 644b)	12 yrs.	1-1-2002

H&SC violations. Following changes to the Code in 1961, most violations carried a specified minimum period of confinement prior to release on parole and the provisions of the Penal Code were not applicable to reduce that time (except PC 1202B).

- Since 1974, a series of court rulings resulted in modifications to those minimum parole dates and were fully retroactive.
- H&SC statutes effective 1-1-76 eliminated mandatory minimum periods of parole for persons sentenced on or after 1-1-76 under H&SC 11350, 11351 and 11352, thus making provisions of the Penal Code regarding minimum terms and MEPDs applicable to those sections only.

#### **73030.18.2.20 Parole Board and DSL Date Control Information**

The lower portion of the form "Parole Board and DSL Date Control Information" shall be filled in. This part of the CDC Form 678 is to be done in pencil only. The information on the left side, current calendar, parole date, etc., refers to ISL data. Enter the minimum term, maximum term, maximum controlling discharge date and current calendar year. As the inmate proceeds through his/her departmental incarceration, the ISL date will change as he/she appears before the BPT.

#### **73030.18.2.21 Initial Board Appearance**

Enter month and year of first BPT calendar unless inmate must be seen within 120 days, then enter actual date the 120 days expires; e.g., by 6-6-75 (PC 3041).

#### **73030.18.2.22 Change in Parole Board and DSL Date Control Information**

As case dynamics change, reflect the change(s) on the form:

On the right side of the box is "Minimum DSL Date Adjusted by Credits Lost \_\_\_\_\_." If an inmate loses good time/work time credits, the adjusted date is to be placed in the space provided.

After the computation has been completed, if the inmate has an overdue DSL date, check the "As soon as possible after Board 1170.2(a) PC decision" space on the form.

If the prisoner is not overdue, then either the ISL or DSL date controls, and the "Controlling Release Date \_\_\_\_\_" box is to be checked (controlling release date means the date that releases the prisoner from prison earliest). Enter the controlling release date on the line.

On the "(as of \_\_\_\_\_)" line, enter the date the computation was made or the date of the subsequent change of the controlling date.

Occasionally, the controlling release date will change.

An ISL parole hearing may result in a change in a previous ISL parole date. For example, if the minimum DSL date controls and an inmate loses good time/work time credits, the minimum DSL date may pass the ISL date. At the time the DSL date passes up the ISL date, then the ISL date will be the controlling.

Whichever date releases the inmate from prison the earliest is the controlling date.

#### **73030.18.2.23 Confinement Computation CDC Form 678-A**

This form is used when the CDC Form 678 is not adequate to list multiple PPT or CS cases. It shall be computed the same as outlined in this section.

#### **73030.18.2.24 Subsequent Changes on Computed CDC Form 678/678-A**

From time to time a CDC Form 678/CDC Form 678-A will need to be changed for various reasons. The CDC Form is an official document, and if changes are necessary, a new form shall be prepared.

Upon receipt of court ordered pre-confinement credits received after the BPT has signed the form, it is necessary to re-compute the DSL dates on a new CDC Form 678. Indicate "Refer to signed CDC Form 678 dated \_\_\_\_\_" on the new form, attach to corrected copy and file in permanent addenda.

- Should the application of such credit change the base term, return the case to the BPT for re-review and signature.
- The new CDC Form 678 is to be labeled "recalculated" above the CCRM signature block.

Whenever the controlling release date changes, that change will need to be reflected on the "Controlling Release Date \_\_\_\_\_" line.

Additionally, the "(as of \_\_\_\_\_)" will be recorded as of the date the change is made.

When the CDC Form 678 is found to have an error, a new form shall be prepared and marked "corrected copy" above the CCRM signature block.

- Send a copy to the inmate.
- Amend the information in OBIS to reflect the change(s).

If the BPT takes an action that changes the ISL data on the CDC Form 678, it is necessary to update the original CDC Form 678. When updating the ISL data, change the "as of \_\_\_\_\_" date to the date the change is made. If the controlling release date changes due to a BPT action, only the inmate needs to be given a copy of the updated CDC Form 678.

#### **73030.18.2.25 CDC Form 678 Distribution**

After the BPT signs the form, a photocopy shall go to OBIS and the inmate. The original shall be filed in the BPT Section of the C-file.

### **73030.19 Life Terms**

Those terms for which the statutory maximum penalty is life in prison with the possibility of parole, terms for which the maximum is life and the minimum is 15 or 25 years and habitual offenders sentenced pursuant to PC 667.7 and PC 667.75 are calculated in this section.

#### **73030.19.1 Parole Consideration**

The BPT shall conduct hearings for consideration for parole of life prisoners pursuant to PC 5076.1 and PC 5076.2. Specialists shall schedule hearings based on calculations of minimum eligible parole dates.

#### **73030.19.2 Good time/Work time Credit - Life Terms**

Work time credit pursuant to PC 2933 shall be applied to reduce the minimum term of life prisoners sentenced only under PC 217.1(b) and habitual offenders sentenced under PC 667.7(a)(1) and PC 667.75.

Good time/work time credit pursuant only to PC 2931 shall be applied to reduce the minimum term of all other life prisoners on terms with 15 or 25 year minimums, except those convictions for second degree Murder where the victim was a peace officer (PC 190(b)).

Work time credit pursuant to PC 2933 shall apply to DSL enhancements and DSL consecutive cases on all life terms.

- Goodtime credit shall be administratively granted for time in custody after 7-1-77 on first degree Murder and Kidnap offenses committed prior to 11-8-78 if the commitment is subsequently ruled invalid and the inmate is recommitted on a lesser offense arising from the same case.

#### **73030.19.3 "7-Year" Life Terms**

Pursuant to PC 3046, persons sentenced to life terms with the possibility of parole must serve at least seven calendar years without benefit of good time. The MEPD for these cases is calculated by adding seven years to the life term start date and subtracting pre-prison credit ordered by the court and post-sentence credit.

- The initial Parole Consideration Hearing (PCH) will be scheduled 13 months prior to the MEPD (BPT 2268).
- If parole is denied at the initial PCH, a Subsequent Parole Hearing will be scheduled annually thereafter, or as determined by the BPT pursuant to PC 3041.5, until parole is granted (a parole date is set).
- Following any hearing at which parole is granted, Progress Hearings will be scheduled as specified in BPT 2269.

#### **73030.19.4 Computation of MEPD 15 and 25 to Life Terms**

##### **Life term only**

If the life term is the only commitment offense and has no DSL enhancements or DSL consecutive cases, calculate the MEPD as follows:

- Add the minimum term to the date received into the Department (the term start date).
- Subtract presentence and postsentence credit.
- Determine the number of days eligible for goodtime credit by subtracting the received date from the date obtained after application of preprison credit and adding postsentence credit.
- Divide the result by three (fractions shall be increased to the next whole number).
- Subtract the total goodtime from the date obtained after application of preprison credit. The resulting date is the minimum eligible parole date.

##### **Life Terms With DSL Enhancements/DSL CS Cases**

If the life term has DSL enhancements or a consecutive DSL term(s) with the same received date as specified in PC 669, the enhancements/CS term(s) must be served before the life term. Calculate the DSL enhancement/term(s) to determine the life term start date for the purpose of scheduling a documentation hearing on the life term.

Calculate the MEPD in these steps:

- Calculate the DSL release date on the DSL enhancement(s)/CS Case(s) in the normal manner, applying appropriate goodtime/worktime credit.
- Using the resulting DSL release date as the term start date for the life case, calculate the MEPD by proceeding with the steps previously described for the life term only computation.

If the life term has a consecutive post-imprisonment offense(s), the life term will not be interrupted and the DSL case shall be served consecutively to the life term. In re Thompson, 172 Cal. App. 3d 256, 218 Cal. Rptr. 192 (11-8-85).

##### **Concurrent Non-Life Terms**

Non-life terms concurrent to life terms shall be computed on a CDC Form 679.

#### **73030.19.5 BPT Hearings - 15 and 25 Year Minimums**

A BPT Documentation Hearing will be scheduled for prisoners serving life terms with 15 or 25 year minimums three years after the life term starts, and subsequently at three year intervals until the initial Parole Consideration Hearing (BPT 2269.1). Initial, subsequent and progress parole consideration hearings will be scheduled as outlined in DOM 73010.6.6.3.

#### **73030.19.6 Life Terms Legal Status CDC Form 188-C**

A Legal Status Summary, CDC Form 188-C, will be manually prepared by the LPU on all life cases as described in DOM 73010.6.

#### **73030.19.7 Life Term Time Collection**

Time collection data on life terms will be entered in OBIS in the same manner as for DSL cases for use in the manual calculation of minimum eligible parole dates.

#### **73030.19.8 Disciplinary Actions and Life Terms**

Completed disciplinary reports received by inmates serving life terms will be forwarded by custody staff for screening by C&PR to determine whether referral to the BPT will be required.

- If a parole date had previously been granted by the BPT, the disciplinary will be reported to the BPT who will determine whether to initiate rescission proceeding which may result in postponement or rescission of the release date (BPT 2451).

Completed disciplinary reports with credit losses on credit eligible life cases will be forwarded to case records staff who will re-compute the MEPD and reschedule hearing dates based on the recalculation.

- If a documentation hearing preceded the disciplinary action, only the initial parole consideration hearing date will be changed.

### **73030.20 Posting The Chronological History CDC Form 112**

All entries on the CDC Form 112 will be dated in the left-hand column.

Entries of any legal status change, BPT decisions, BPT hearing dates, or classification actions effecting a change in release dates will be entered and briefly described in the "Chronological Listings" column.

The number of days forfeited or restored and any dead/at-large time will be entered in the appropriate column.

Release dates, minimum eligible dates, discharge dates, maximum revocation dates, and discharge review dates will be posted in the right-hand column.

- Release dates/minimum eligible release dates: EPRD, MIN DSL, ISL PD, RRD, PRRD, MEPD.
- Maximum revocation dates: MRRD.
- Discharge dates: DD, CDD, PCDD.
- Discharge review dates: DRD.

All entries on the CDC Form 112 will be posted in black ink with the exception of the MEPD, which will be posted in pencil. See DOM 72040 and 72060 for instructions on other postings.

### **73030.21 Revisions**

*Revised June 16, 1995*

The Deputy Director, Institutions Division, is responsible to prepare revisions and ensure that this section is current.

### **73030.22 References**

*Revised June 16, 1995*

CCR (15)

California Rules of Court.

PC §§ 667; 1203.03; 3001; 5076.2; 667.5; 1213; 3022; 12022; 667.51; 1213.5; 2023; 12022.1; 667.7; 1216; 3024; 12022.2; 969; 2635.1; 3041; 12022.3; 1158; 2900; 3041.5; 12022.4; 1168; 2900.1; 3042; 12022.5; 1170; 2900.5; 3046; 12022.6; 1170.1; 2931; 3049; 12022.7; 1170.15; 2932; 3056; 12022.75; 1170.2; 2933; 3057; 12022.9; 1202; 2934; 4019; 1203.01; 3000; 5076.1

W&I §§ 1782 and 3200.

H&SC §§ 11350; 11370.2; 11351; 11370.4; 11352; 11370.8; and 11356.5

Case Laws:

In re Cowan (27 Cal App 2d 637, 166 Cal App 2d 279 (1946)).

In re Byrnes (32 Cal App 2d 685 (1948)).

In re Pearce (40 Cal App 3d 399 (1974)).

In re Rodriguez (14 Cal App 3d 639 (1975)).

In re Sosa (102 Cal App 3d 1002 (1980)).

People v Montalvo (2 Crim 38558 (1982)).

In re Thompson (172 Cal. App. 3d 256, 218 Cal. Rptr. (1985)).

People v Fritz (40 Cal App 3d 277 (1986)).

People v Mitchell (244 Cal Rpt 803 (1988)).

In re Rojas (23 Cal App 3d 152).

AG's Opinions: AG 86-1102 on life terms eligible for PC § 2933 credit.

## ARTICLE 13 — COURT DECISIONS, ORDERS, AND RELEASES

*Revised March 16, 1995*

### **73040.1 Policy**

Court decisions and court orders shall be processed in a uniform manner to ensure proper disposition.

### **73040.2 Purpose**

This section sets forth uniform procedures for handling and processing court orders and court decisions.

### **73040.3 Decisions and Orders/General**

Unless otherwise stated in the opinion or order, decisions of the District Courts of Appeal in criminal matters are final 60 days after filed. Decisions of the Supreme Court are final 30 days after filed unless further appeal or rehearing is in process.

A copy of unpublished Appellate or Supreme Court opinions received in headquarters, shall be reviewed by a Correctional Case Records Administrator and forwarded to the facility or parole region where the inmate/parolee is located for appropriate disposition and/or follow-up with the trial court at such time as the opinion is final.

Published opinions become case law and shall be evaluated, and instructions issued by an Administrative Bulletin, revision to this manual or regulation change if applicable.

A decision that reverses a "judgment" on appeal is remitted to the superior court on the date the decision becomes final.

A reversal of "judgment" on appeal is deemed an order for new trial, unless otherwise directed [reference: PC 1262]. The case will usually be brought to trial within 60 days after the reversal is final (PC 1382).

Removal from departmental custody by the sheriff after reversal on appeal does not act as a discharge from departmental records until confirmation from the court or AG's Office is received.

If a defendant is on parole, departmental jurisdiction ceases on the date the decision of reversal is final. See the DOM 71020.3 for issuance of a new registry number if the defendant is returned from court. The old departmental registry numbers can be reactivated upon approval of the Chief, Case Records Services.

A judgment may be reversed in whole or in part and the order of reversal may include specific instructions to the trial court. Judgments may be affirmed and the matter remanded for the limited purpose of re-sentencing. In those instances where a person is removed from departmental custody and the court orders and/or Appellate Court opinion reflects that the judgment is affirmed but the sentence is reversed for the limited purpose of re-sentencing, the case will remain under departmental jurisdiction as out-to-court (OTC).

CCRM shall contact the trial court every 30 days to determine the status of the case if the defendant has not been returned to departmental custody.

The Appellate Court may modify a judgment in which a count(s) is ordered stricken per PC 654 or an improper penalty or enhancement has been applied to a term.

In these instances, where a trial court can do nothing about the sentence as modified by the Appellate Court, the legal status shall be changed in accordance with the opinion upon receipt of a certified copy of the remittitur from the Appellate Court.

### **73040.4 Habeas Corpus**

An order in Habeas Corpus proceedings may vacate the judgement in whole or in part or grant other relief including discharge from custody.

Where removal of a prisoner occurs for return to court pursuant to an order to reverse or vacate the judgment and/or sentence, this acts to discharge the case from departmental records.

Where the judgment and sentence remain valid, but the removal is pursuant to an order for further proceedings, time on the sentence continues to run and the case remains under departmental jurisdiction as OTC.

As provided in PC 2620, the order for removal shall recite the purpose for which the person is to be brought before the court. When this information is not included and there is not sufficient time or information on hand to resolve the question as to the purpose for removal, the prisoner shall be noted as "OTC for further proceedings."

The records can be corrected later when the purpose for removal has been conclusively determined.

Sources for such information include:

- The County Clerk.
- Clerk of the Appellate Court.
- DA.
- LAD.
- Chief, Correctional Case Records Services.
- The Deputy AG who handled the case at the appellate court level.

### **Superior Court**

The Superior Court of the county where a facility is located has jurisdiction to consider petitions filed by inmates of that facility regardless of the commitment county. Resulting orders must be complied with when final.

These orders shall be immediately reviewed by the LAD to determine such questions as proper procedures or whether to appeal, etc.

Such actions would generally be confined to whether the inmate is illegally held, portions of the judgment are defective, or whether the Department administrative handling of the case is proper under law.

The case may be ordered back to the trial court for further proceedings to correct or modify the judgement.

Such actions are legally different in purpose and scope than the authority of the Appellate Courts to review and act on the validity of a judgment of a Superior Court.

Superior Court orders do not establish precedents or rules of general application but are limited in application to the specific case or issue ruled upon.

Differences and conflicts between Superior Courts in different counties have to be resolved by a higher court.

#### **73040.5 Published Decisions**

Published Appellate Court decisions are effective the date they become final and have the same application on all similar cases and circumstances. They only apply prospectively unless ordered in the decision or in subsequent related decisions to be applied retroactively.

Unpublished Appellate Court decisions apply only to the individual case considered.

#### **73040.6 Court Orders**

A Superior Court order shall be signed by a judge, bear the seal of the court, and be certified by the county clerk (two of the three requirements will suffice).

PC 2620, 2621, and 2625 specify that court orders must show the reason for release. When an order is received for an inmate to give testimony in a criminal proceeding, compliance is mandatory.

The order shall recite a specific date plus may recite, "at such other times as may be ordered by the said court"; and such persons may properly be released more than once on the same court order.

In *Payne v. Superior Court*, the California Supreme Court held that in certain circumstances an inmate should be released from prison to attend trials in civil matters. Facility administrators are authorized to grant temporary community releases to appropriate inmates to appear in civil matters when the following conditions are met:

- The inmate must be eligible for an escorted release to the community.
- The inmate must be willing to accept such release.
- An order must be obtained from the court in substantially the following form as stated in PC 2625. Such an order shall be to the following effect:

County of \_\_\_\_\_. The people of the State of California to the Warden of \_\_\_\_\_. An order having been made this day by me that \_\_\_\_\_ be produced in this court as a party in the case of \_\_\_\_\_, you are commanded to deliver into the custody of \_\_\_\_\_ for the purpose of \_\_\_\_\_ (recite purposes). Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

The order shall also require the sheriff to pick up and return the inmate within 72 hours.

State Supreme Court or Appellate Court orders must bear the seal of the court and certification by the clerk of said court.

#### **73040.7 Referrals to the AG's Office**

Any referrals that may require advice, review, or representation by the AG shall be forwarded to the Supervising Deputy, Criminal Law Section, of the appropriate office as indicated:

- Sacramento, Assistant AG:
  - Alpine.
  - Madera.
  - Shasta.
  - Amador.
  - Mariposa.
  - Sierra.
  - Butte.
  - Merced.
  - Siskiyou.
  - Calaveras.
  - Modoc.
  - Stanislaus.
  - Colusa.
  - Mono.
  - Sutter.
  - El Dorado.
  - Nevada.
  - Tehama.
  - Fresno.
  - Placer.
  - Trinity.
  - Glenn.
  - Plumas.
  - Tulare.
  - Kern.
  - Sacramento.
  - Tuolumne.
  - King.
  - San Joaquin.
  - Yolo.
  - Lassen.
  - San Luis Obispo.

- Yuba.
- San Francisco, Assistant AG:
  - Alameda.
  - Mendocino.
  - San Mateo.
  - Contra Costa.
  - Monterey.
  - Santa Clara.
  - Del Norte.
  - Napa.
  - Santa Cruz.
  - Humboldt.
  - San Benito.
  - Solano.
  - Lake.
  - San Francisco.
  - Sonoma.
  - Marin.
- Los Angeles, Assistant AG:
  - Los Angeles.
  - Santa Barbara.
  - Ventura.
- San Diego, Assistant AG:
  - Imperial.
  - Inyo.
  - Orange.
  - Riverside.
  - San Bernardino.
  - San Diego.

The letter shall contain a thorough explanation of the referral with copies of the documents questioned.

#### **73040.8 Suspension of Judgment**

An inmate may be released to the custody of the sheriff pending appeal on a court order granting a writ of supersedes or a stay of execution of judgment.

The inmate shall be released to the custody of the sheriff pursuant to PC 1245 and discharged from departmental records upon presentation of the Superior Court order granting a stay or a certificate specified in PC 1243.

#### **73040.9 Release on Bail**

All court orders for the release of an inmate on bail received from an individual other than a deputy sheriff, or bail bond orders received by mail, shall be confirmed before the inmate is released by contacting the clerk of the issuing court.

Court orders releasing an inmate on bail pending appeal serve as a suspension of judgment. The release shall not be recorded as a discharge on departmental records.

When an inmate is released on bail pending appeal, the CCRM shall contact the Superior Court of the committing county on a semiannual basis to determine the status of the case.

If a copy of an Appellate or Supreme Court opinion is received, which specifies that the judgment is reversed and is final, the CCRM shall discharge the case. CDC Form 112 posting shall reflect, "subject discharged by Appellate (Supreme) Court decision reversing judgment while free on bail."

If an inmate is returned to departmental custody subsequent to posting bail pending appeal, the period of time the inmate was released on bail shall be dead time on departmental records.

#### **73040.10 Removal Orders Under PC 1170(D)**

Upon receipt of a removal order pursuant to PC 1170(d), the inmate shall be discharged only if the removal order specifies that the judgment (commitment) is vacated or recalled.

When the removal order does not specify that the commitment is recalled, the CDC Form 112 shall be recorded as "OTC for further proceedings." The CCRM shall maintain contact with the courts and secure a copy of the court order that provides the final disposition of the case. A subsequent court order placing the defendant on probation shall be recorded as a discharge on departmental records retroactively to the date the inmate was released to the custody of the sheriff.

#### **73040.11 Release on Habeas Corpus**

Inmates may be released from a facility for hearing on a Writ of Habeas Corpus.

An order granting a Writ of Habeas Corpus and ordering discharge from custody serves to release an inmate from custody.

The AG has 60 days to file an appeal; if not appealed, the inmate may be released at once on discharge.

In the event a release order is received, the CCRM shall contact the AG's Office to determine if an appeal is to be filed. If so, the AG will be requested to file immediately to stay the release order.

On State Supreme Court or Appellate Court orders for appearance at a referee hearing on a Writ of Habeas Corpus, the Warden is directed to produce the inmate.

Any order for the return of an inmate to the county of commitment resulting in the discharge of the inmate must be executed by the sheriff.

Departmental records shall reflect a "discharge" on the commitment effective the date the sheriff assumed custody.

#### **73040.12 Release Under PC 2625**

When an action is pending in a Superior Court in which an inmate's parental or marital rights are subject to adjudication, the Superior Court may issue an order for the production of the inmate as specified in PC 2625.

A copy of the order shall be transmitted to the Warden of the facility where the inmate is confined 48 hours before the order is to be executed. The order shall be executed by the sheriff of the county in which the order was issued.

An order for such a release must be signed by a Superior Court justice.

When a court order is received it is to be presented to the inmate by the appropriate facility personnel. If the court order includes a waiver section, the inmate must sign if they choose to waive their appearance. When an inmate refuses to sign but clearly indicates they are waiving their appearance, the facility personnel shall fill out the "Acknowledgement of Refusal to Appear" section of the court order. Two copies of the court order are made; one for retention in the inmate's C-File and one for the inmate. The original order shall be returned by mail or FAX to the court.

If the court order does not include a waiver section or if a notice of proceedings and request for removal for out-to-court are made by telephone and the inmate refuses to appear a CDC Form 1750, Waiver of Court Appearance Form, shall be completed. Case records staff shall mail or FAX the top copy of the completed CDC Form 1750 and court order, if provided, to the court. The second copy shall be filed in the inmate's C-File and the third copy forwarded to the inmate. A telephone call to the sheriff to advise the inmate has waived their appearance shall be made in those cases with close pick-up dates.

#### **73040.13 Municipal and Justice Court Appearance**

Inmates may be released by the order of a municipal or justice court to appear as a witness in a case that involves an offense which is triable only in a municipal or justice court.

An inmate may also properly be released under PC 1567 with a proper order from a municipal or justice court for further court action if they were previously tried for a misdemeanor but failed to appear for their probation/sentencing hearing.

#### **73040.14 Federal Writ Ad Prosequendum**

Federal Writ of Habeas Corpus Ad Prosequendum orders may recite a specific date plus "at such other times as may be ordered by the said court"; and such inmates may properly be released more than once on the same court order.

##### **73040.14.1 Federal Writ Ad Testificandum**

A federal Writ of Habeas Corpus Ad Testificandum directs the release of an inmate to the temporary custody of the U.S. Marshal to testify as a witness in a criminal matter, at a civil court proceeding, or non-judicial matter such as a legislative committee hearing.

- When a federal Writ of Habeas Corpus is received, the Writ shall be reviewed carefully, as it is at the discretion of the federal judge as to whether the U.S. Marshal shall provide any of the transportation. In some orders, the responsibility of the Department to transport may be only to jail, in others, it may be to the courthouse. The U.S. Marshal shall be responsible for the inmate while they are in the federal courthouse or local jail. If the judge does not exercise their discretion to order the transportation and costs shared, then the Department shall incur the total costs and responsibility of transporting.

##### **73040.14.2 Federal Writ Civil Case**

If a federal Writ of Habeas Corpus orders an inmate into court in a civil case, the Department shall transport the inmate to court, keeping a record of all costs incurred. The facility's business manager shall send a bill to the person who requested the inmate's appearance.

##### **73040.14.3 Federal Court Jurisdictions Validity of Orders**

The writ may be honored only when served on a facility within the issuing court's territorial jurisdiction directing the production of the inmate within that territorial jurisdiction.

When an order that extends outside the territorial jurisdiction of the issuing court is served, the matter shall be referred to the LAD for consultation with the Attorney General's staff prior to honoring the writ.

Federal court orders shall bear the seal of the court and certification by the clerk of the court.

##### **73040.14.4 Transportation and Release**

Inmates released to the custody of the U.S. Marshal or a Deputy Marshal are transported by the U.S. Marshal at no expense to the State.

The Department shall transport inmates in all federal civil rights cases.

Periodically the U.S. Marshal's office or a sheriff's office may request that an inmate be released without service of the court order to the releasing facility.

- These are normally in instances when a transporting agent is in the area of a facility but the court order is in the marshal's or sheriff's office some distance away.

Such releases are to be authorized by the Chief, Correctional Case Records Services. Telephone approval may be given after it has been ascertained that a valid court order does exist and shall be confirmed by FAX.

#### **73040.15 Witness in Out-of-State Criminal Cases**

An out-of-state release as a witness in a criminal case is authorized per PC 1324 through 1334.6.

- The out-of-state certificate or subpoena is delivered to the Superior Court in the county in which the offender's facility is located. The Superior Court may issue a release order per PC 2621 authorizing the offender's release to the local sheriff. The offender shall be returned to the facility with no expense to the State.

#### **73040.16 Trial on Criminal Charges in Other States**

The release of an inmate to an agent of another state for trial or pending criminal charges is authorized under the Interstate Agreement on Detainers, as specified in PC 1389.

Release of an inmate to an agent of another state for trial on pending criminal charges is authorized upon receipt of an executive agreement between the Governor of California and the Governor of the other state pursuant to PC 1549.

#### **73040.17 Follow-Up for OTC Inmates**

A tickler file shall be established and maintained for each inmate on OTC status.

The court shall be contacted at least every 60 days to ascertain the inmate's status. The information developed by the contact shall be recorded in the tickler file.

If the court orders the inmate released from custody while OTC, the necessary certified court documents shall be obtained immediately.

Upon receipt of these documents, appropriate entries shall be made on the Offender Basic Information Service, the CDC Form 112, and CDC Form 144, Control Card.

If an inmate is returned from OTC, case records staff shall contact the court as necessary, ascertain case disposition, and obtain required certified documents.

The inmate's tickler file shall be purged after completion of the OTC status.

**73040.18 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**73040.19 References**

PC §§ 654, 1170(d), 1243, 1245, 1262, 1324 - 1334.6, 1382, 1389, 1549, 2620, 2621, and 2625.

Payne v. Superior Court.

DOM § 71020.

## ARTICLE 14 — RELEASING AUTHORITIES

*Revised February 23, 1995*

### **74010.1 Policy**

The Department shall cooperate and communicate with, and provide necessary services to the BPT (BPT, Board) and the NAEA .

### **74010.2 Purpose**

This section sets forth the responsibilities of the BPT and NAEA and the procedures for communication to and from the boards.

### **74010.3 Authority - BPT**

The BPT consists of nine commissioners appointed by the Governor, with advice and consent of the Senate.

By statute and practice there is a cooperative relationship between The Director and the BPT. Each is empowered to advise and make recommendations to the other on specific policies and procedures relating to the duties of the other.

#### **BPT Functions**

The function of the BPT consists of term decisions, parole releases, parole supervision, (delegated to the Department) parole revocation, and executive clemency.

#### **Deputy Commissioner Functions**

The BPT employs deputy commissioners, to whom it assigns appropriate functions not restricted by law; only to commissioners of the BPT.

Such functions include but are not limited to:

- Determine PC 1170.2(a) sentence for ISL prisoners;
- Conducting the initial disparate sentence review screening;
- Conducting documentation hearings and making recommendations;
- Requesting that a life, non-life PC 1168 or ISL prisoner be transferred for diagnosis and treatment;
- Reviewing the Department's denial of time credits;
- Waiving parole and reconsidering the length and conditions of parole;
- Suspending parole;
- Conducting rescission hearing on life prisoner, revocation and revocation extension hearings [CCR (15)(2)].

### **74010.4 NAEA**

#### **Functions**

The NAEA consists of seven members appointed by the Governor, with advice and consent of the Senate.

The NAEA is responsible for granting release of residents, establishing conditions and terms of release and returning the releasees from outpatient status/parole.

### **74010.5 Policy**

Wardens and designated staff within institutions or Headquarters shall communicate with the BPT or the NAEA about problems or scheduling as they affect areas of operations or institutions.

### **74010.6 Correspondence Addressed to BPT/NAEA**

Letters requesting information and addressed to BPT in an institution shall be answered using the BPT letterhead and shall include the signature line of the board; countersigned by the C&PR of the institution, followed by the name, address, and telephone number of the institution.

Letters addressed to the NAEA shall be forwarded to the Administrative Officer of the Board for response.

Correspondence received at an institution regarding term-fixing and/or parole granting functions of the Board, which is addressed to other than the Board officials, shall be referred to the C&PR for reply.

Communications received by the BPT concerning parolees are screened by the Executive Officer of the Board. The Executive Officer shall be responsible for the response.

Correspondence pertaining to inmates in reception centers and addressed to the BPT shall be answered over the signature of the AW in charge of the reception center.

The appropriate Board letterhead shall be used for such correspondence if the request for information concerns a board's action or function. The name, address, and public telephone number of the institution where the reception center is located shall follow the signature.

All correspondence addressed to institutions which concerns policies and overall functions of a paroling board shall be referred to the appropriate board's headquarters office for reply.

### **74010.7 BPT Rules**

The rules and policies of the BPT are contained in the CCR (15) (2).

To ensure that the inmate population has knowledge of the rules and regulations of the Board, responsibility for the receipt, storage, accountability and distribution is assigned to the institution's C&PR.

All inquiries relating to the BPT rules shall be made through the designated C&PR to the Chief Deputy Commissioner or to the Chief Legal Counsel, BPT.

Prior to the bulk shipment of the board rules the legal counsel of the BPT shall send a notice to the designated C&PR advising of the pending arrival.

Assigned staff shall provide prompt distribution of notices of intent, to change the rules, hold public hearings, etc.

A copy of current BPT rules and any revision thereto shall be sent to the inmate law library or libraries for inmate review.

Parole Regional Administrators shall distribute the Board rules to staff and parolees of their respective region.

### **74010.8 NAEA Rules**

The rules and policies of the NAEA are found in the CCR (15) (5).

In addition, the NAEA prepares Administrative Directives that govern NAEA policy. These directives are published from time to time as policy changes. The distribution of NAEA rules is made by the administrative office of the NAEA.

Inquiries concerning NAEA rules should be directed to the administrative office of the NAEA.

#### **74010.9 BPT/NAEA Rules Proposed Changes**

Notice of proposed changes in the rules of the BPT or the NAEA shall be submitted to the Board liaison person in Headquarters for review and dissemination to affected institutions and parole regions on policy matters.

Wardens and RPAs shall submit their responses to such proposed changes to the Director through the appropriate Deputy Director.

After review at the Deputy Director's level, and with any significant comment or suggestions, the administrator's response(s) shall then be referred to the Headquarters staff member designated as the Department's liaison officer for the Board.

The liaison officer shall prepare a letter requesting changes or modification of proposed rules, directed to the Board chairman, for the Director's signature.

A copy of the Director's letter shall be routed to the Regulation and Policy Management Section. Headquarters staff who receive notices of proposed changes in the rules of a paroling board are expected to review the proposal(s) and submit any comments to the liaison officer for consideration.

Nothing in this section is intended to prevent any employee of the Department from submitting their personal comments, suggestions, or arguments directly to the BPT or NAEA in response to the Board's public notice of intent to change its rules.

#### **74010.10 Executive Officer BPT/ Administrative Officer NAEA**

The BPT Executive Officer is the official custodian of records relating to the BPT and as such is empowered under statutory provisions to attest and certify all actions and documents.

The NAEA Administrative Officer is the official custodian of records relating to the NAEA.

#### **74010.11 Institutional Recording/General Considerations**

Institutional recording is a continuance of the reception center study and provides additional information for management and evaluation of each inmate.

Setting of release dates and the length of time an offender may serve can be influenced by institutional reports when an individual has been received under the ISL or the Determinate Sentence Law (DSL). Staff shall ensure that the information reported is accurate and that only relevant facts are reported.

Reports shall be objective and unemotional.

#### **74010.12 Objectives of Institutional Recordings**

There are three main objectives for institutional recordings:

- To present a summarized statement of essential information indicating adjustments and accomplishments which can be used to make classification and management decisions.
- To provide the BPT with information needed for release and other BPT decisions.
- To provide information required for prerelease and release processes.

The reports prepared by the institution become a permanent part of the Cumulative Case Summary.

#### **74010.13 Revisions**

The Deputy Director, Institutions Division, or designee shall ensure that the contents of this section are current and accurate.

#### **74010.14 References**

CCR (15) (2).

CCR (15) (5).

**ARTICLE 15 — *UNASSIGNED***

## ARTICLE 16 — SCHEDULING APPEARANCES

*Effective October 2, 1989*

### **74030.1 Policy**

BPT hearings shall be scheduled pursuant to BPT regulations.

### **74030.2 Purpose**

This section sets forth procedures for scheduling hearings as mandated by the BPT.

### **74030.3 Individual Case Decisions**

The Chairperson of the BPT shall assign commissioners or deputy commissioners to make individual case decisions. A hearing panel is comprised of one or more (usually three) of these members.

### **74030.4 Institution Hearing Decisions**

The BPT will make individual case decisions affecting release or parole and postponement or rescission of parole release dates at hearings conducted at the institutions. The Board may also hold hearings on Department denial of good time/work time credit (BPT Rule 2120).

Other matters which do not require a hearing, including reviewing the case of an inmate who does not participate in a program recommended by the BPT, shall be placed on the Miscellaneous Proceedings Calendar for review by the BPT when a panel convenes for a regularly scheduled hearings at an institution.

### **74030.5 BPT Headquarters Decisions**

Individual case decisions regarding disparate sentence review and review of inmate or parolee behavior to determine the need to order the scheduling of postponement, rescission, revocation or revocation extension hearings, shall be made by the BPT at the Headquarters Calendar.

### **74030.6 Community Decisions**

Individual case decisions regarding revocation of parole shall be made by the BPT at hearings normally conducted in the community near where the alleged violation occurred.

### **74030.7 Official Decisions Individual Cases**

If two of the three BPT members on a life parole consideration hearing panel agree to grant or deny a parole date, that is "a proposed decision".

Any proposed decision setting or denying a parole date for a life prisoner shall become effective 60 days after the decision unless the provisions of BPT Rule 2041 occur (BPT 2043).

All other decisions shall become effective 15 days after signed by the panel member(s) making the decision unless the order states a different effective date for the decision (BPT 2043).

### **74030.8 En Banc Meeting of the Board**

When one member on a hearing panel dissents from a decision setting or denying a parole date, at the time of the decision, that the full BPT meet to consider the case.

Such a request shall be reviewed by the full Board within 45 days of the hearing at which the dissenting decision occurred.

The case shall be referred to the Executive Officer or Chief Deputy Commissioner of the BPT for any preparation that is necessary prior to the En Banc meeting (BPT 2044).

The majority opinion at the En Banc meeting will determine whether the original decision remains in effect. If the full BPT disagrees with the hearing panel's majority opinion, they shall order a new hearing, the result of which will become the decision in the case.

### **74030.9 Decision Review Committee**

The BPT decision review committee is composed of three commissioners designated by the Chairperson or Vice-Chairperson.

The committee shall review cases to assure complete, accurate, consistent and uniform decisions.

The review committee is authorized to order a new hearing or to make any decision that does not require a hearing (BPT 2042).

### **74030.10 Initial Parole Hearing**

At an initial parole consideration hearing an inmate shall be considered for parole for the first time.

The hearing panel shall first determine whether the inmate is suitable for parole.

If the inmate is found unsuitable, parole shall be denied, and a written statement of the specific factual reasons for the denial shall be given to the inmate.

The hearing panel may recommend to the inmate certain steps that may be undertaken to enhance the possibility of a grant of parole at a future hearing.

If an inmate is found suitable for parole, a tentative parole date shall be set.

#### **74030.10.1 Initial Parole Hearing - ISL Cases**

The Initial Parole Consideration Hearing for a non-life ISL case shall be scheduled pursuant to BPT 2304 as follows:

- Within 120 days of reception if the Minimum Eligible Parole Date (MEPD) is within 120 days.
- One month prior to the MEPD if the MEPD is more than 120 days after reception.

The Initial Parole Consideration Hearing for non-life PC 1168 inmates shall be no later than 60 days after reception (BPT 2271). These hearings are conducted by a panel consisting of two deputy commissioners.

#### **74030.10.2 Initial Parole Hearing - Life Cases**

The Initial Parole Consideration Hearing for life cases shall be held during the 13th month prior to the prisoner's MEPD.

- The MEPD for inmates with 15- and 25-to-life terms may change depending on credit earned or lost.

Any changes in an inmate's MEPD, which occur within six months of the scheduled hearing date, shall not change the scheduled hearing date.

### **74030.11 Subsequent Parole Hearings**

An inmate who was previously denied parole shall be reconsidered for parole in the same manner as at the Initial Parole Hearing. The hearing panel shall consider the information developed since the last hearing.

This hearing shall be scheduled as provided by PC 3041.5 and may be 12, 24, or 36 months after the most recent hearing as determined by the BPT.

If the inmate has a confirmed Determinate Sentencing Law (DSL) release date within 60 days of a scheduled Indeterminate Sentencing Law (ISL) hearing, the parole hearing shall be cancelled and the inmate will be released on the DSL date.

#### **74030.12 Progress Hearings Non-Life Cases**

Following any parole consideration hearing at which parole has been granted, progress hearings will be scheduled.

- During the fourth month prior to the parole date if parole date is between 10 and 14 months from the date of the last parole consideration hearing.
- On the twelfth month after the hearing at which a parole date was set if the parole date is 15 months or more from the date of the last parole consideration hearing.
- Any time department staff feels an earlier parole date would be appropriate. Staff shall refer the case to the C&PR to place the case on the institutional Miscellaneous Proceeding Calendar with documentation of the reasons for requesting the progress hearing. The Board may deny the department request or may order a Progress Hearing scheduled.

If the parole date is within 9 months from the date of the last parole consideration hearing, no progress hearing shall be scheduled.

A Progress Hearing shall not be scheduled for an inmate with an ISL parole date which is later than a confirmed DSL date if the maximum advancement that could be granted at the progress hearing (four months per year) plus a 60-day advancement would not result in advancing the ISL parole date to a date earlier than the DSL date (BPT 2305).

#### **74030.12.1 Progress Hearings - Life Cases**

Following any parole consideration hearing, on a life case, at which parole has been granted:

- If the parole date is less than 10 months from the date of the last parole consideration hearing, no Progress Hearing shall be scheduled.
- If the parole date is between 10 and 14 months from the date of the last parole consideration hearing, a Progress Hearing shall be scheduled during the sixth month after the parole hearing.
- If the parole date is between 14 and 18 months from the date of the last parole consideration hearing, a Progress Hearing shall be scheduled during the ninth month after the parole consideration hearing.
- If the parole date is between 18 and 26 months from the date of the last parole consideration hearing, a Progress Hearing shall be scheduled during the twelfth month after the parole consideration hearing.
- If the parole date is between 26 and 34 months from the date of the last parole consideration hearing, a Progress Hearing shall be scheduled during the eighteenth month after the parole consideration hearing.
- If the parole date is between 34 and 50 months from the date of the last parole consideration hearing, a Progress Hearing shall be scheduled during the twenty-fourth month after the parole consideration hearing.
- If the parole date is 50 months or more from the date of the last parole consideration hearing, a Progress Hearing shall be scheduled during the thirty-sixth month after the parole consideration hearing.

Any time department or board staff believes an earlier parole date would be appropriate the case may be placed on the Miscellaneous Proceedings Calendar with documentation of the reasons for requesting a Progress Hearing. The Board may deny the request or order a Progress Hearing scheduled (BPT 2269).

#### **74030.13 Initial/Subsequent Hearings New Criminal or Disciplinary Charges - Life Cases**

A life inmate with new criminal or disciplinary charges pending prior to an Initial or Subsequent Parole Hearing shall be scheduled for that hearing. If it is determined during the course of the hearing that a decision cannot be made because of the pending charges, the hearing panel shall discontinue the hearing (BPT 2272).

Department staff shall then place the case on the Miscellaneous Proceedings Calendar every 90 days from the date of the originally scheduled hearing and include a report of the status on the case. Following conclusion of the criminal or disciplinary charges, the case shall be scheduled for the next regular calendar.

#### **74030.13.1 Non-Life Cases**

A non-life or PC 1168 inmate with new criminal or disciplinary charges pending immediately prior to a scheduled hearing shall be removed from the calendar (BPT 2307).

Department staff shall place the case on the Miscellaneous Proceeding Calendar every 90 days from the date of the originally scheduled hearing and include a report of the status on the case.

Following conclusion of the criminal or disciplinary charges, the case shall be scheduled for the next regular calendar.

#### **74030.14 Progress Hearings New Criminal or Disciplinary Charges**

Staff shall postpone the Progress Hearing of any inmate who has new criminal or serious disciplinary charges pending immediately prior to a regularly scheduled hearing.

Department staff shall place the case on the Miscellaneous Proceedings Calendar every 90 days from the date of the originally scheduled hearing and include a report of the status of the case.

Following conclusion of the criminal or disciplinary charges, the case shall be scheduled for the next regular calendar.

#### **74030.15 Hearings For Prisoners With Changes in Legal Status**

Changes in legal status include:

- A final court decision altering the inmate's commitment status.
- Modification of the judgment or Abstract of Judgement.
- New commitments.

Before an Initial ISL Parole Hearings, if an inmate's legal status changes, the change in legal status shall be considered at the initial parole hearing as regularly scheduled after considering the change in legal status.

If an inmate's legal status changes after an Initial ISL Parole Hearing, staff shall immediately schedule the prisoner for a progress or subsequent ISL parole hearing as appropriate.

#### **74030.16 Postponement or Rescission of Release**

The ISL parole date of an Indeterminate Sentence Law inmate or the parole date of a life or non-life PC 1168 inmate may be postponed or rescinded for good cause at a rescission hearing.

Rescission proceedings refer to any proceedings that may result in the postponement or rescission of a release date.

The C&PR shall report to the BPT Headquarters Calendar, any conduct that may result in rescission proceedings. The BPT shall determine whether to initiate rescission proceedings.

Conduct that must be reported to the BPT includes:

- Assault with a weapon.
- Escape.
- Physically assaultive Behavior.
- Possession of a weapon without permission.
- Possession of controlled substances without a prescription.
- Attempt to escape.
- Urging others by words or acts, with the intent to cause a riot, at a time and place under circumstances which produce and present an immediate danger of a riot which results in acts of force or violence.
- Active participation in a riot that results in acts of force or violence.
- Intentional destruction of state property valued in excess of \$50.00.
- Falsification of a significant record or document.
- Possession of escape tools without permission.
- Manufacture or sale of intoxicants.
- Unauthorized possession or use of alcoholic beverages or any substance which, when inhaled, ingested or breathed, can cause a person to be under the influence of or intoxicated from such substance.
- Urging others by words or acts, with the intent to precipitate a riot, at a time and place under circumstances which present a clear and present and immediate danger of a riot.
- Any inmate whose mental state deteriorates to the point that there is a substantial likelihood that the inmate would pose a danger to himself or others when released and who is within 90 days of release.
- Any new information which indicates that parole should not occur.
- An inability to meet a special condition of parole, such as failure of another state to approve an interstate parole.
- Information significant to original grant of parole was fraudulently withheld from the Board.
- Fundamental errors occurred resulting in the improvident granting of a parole date.

If an inmate with a previously established parole date (life, ISL, non-life PC 1168) receives a new commitment to state prison, the parole date shall be rescinded; no hearing or other BPT action is required.

The inmate may appeal the rescission only on the grounds that he/she is not the person sentenced to state prison by the new judgment.

The CCRM, when processing the new commitment, shall post an entry onto the CDC Form 112, Chronological History Page, indicating the parole date has been rescinded.

The CDC Form 112 posting shall read:

"(Indicate date of posting) Parole date of (indicate date of parole) rescinded per BPT Rule (indicate applicable BPT Rule number)".

- BPT Rule 2273 will be cited in the case of life prisoners; and
- BPT Rule 2308 for ISL and non-life PC 1168 prisoners.

The inmate shall be scheduled for a new Parole Consideration Hearing.

- If the new commitment is for a determinate term, the Parole Consideration Hearing shall be conducted within 60 days of receipt of the new commitment.

#### **74030.17 Procedures For Reporting Disciplinary Behavior To BPT**

The C&PR shall report serious disciplinary behavior to the BPT Headquarters Calendar, for any life, non-life PC 1168 or ISL inmate, pursuant to BPT 2451.

All cases shall be reported to the BPT prior to the inmate's scheduled parole date.

- If a case has not been referred to the DA for prosecution, the case shall be reported within 15 days.

If the case has been referred to the DA for prosecution, the case shall not be reported to the BPT until:

- Within 15 days after the DA has refused to prosecute; or
- Within 15 days after the criminal prosecution has terminated; or
- The prisoner is within 60 days of his/her parole date.

The BPT, Headquarters Calendar, shall either note the report and take no action or shall order the matter scheduled for rescission proceedings.

The date and title of any reports relied on in making the decision shall be noted.

The decision shall be documented by the BPT, Headquarters Calendar, and a copy shall be sent to the institution.

#### **74030.18 Pre-Rescission Hearing**

If the inmate is scheduled to be released within 20 days, a criminal prosecution is pending, and the criminal prosecution will not terminate before the scheduled release date, department staff shall schedule a Pre-rescission Hearing. The inmate may waive the Pre-rescission Hearing.

An inmate who has had or has waived a Pre-rescission Hearing on any one charge that alone is sufficiently serious to postpone or rescind the release date is not entitled to a Pre-rescission Hearing on any other charges.

Pre-rescission Hearings should occur before the scheduled release date. Any delay beyond the scheduled release date must be authorized by the BPT, normally at the Headquarters Calendar.

#### **74030.19 Scheduling Rescission Hearing**

If no criminal prosecution is pending, the inmate shall be scheduled for a Rescission Hearing prior to the parole date or within 60 days of the incident or discovery of the information.

When a criminal prosecution is pending, a Rescission Hearing shall be scheduled within 60 days of the termination of the criminal prosecution.

The C&PR shall notify the BPT Headquarters Calendar anytime an inmate submits a written demand for a rescission hearing.

The BPT may order a hearing as appropriate.

The decision to order, or not to order, a hearing scheduled shall be documented and reported to the institution.

Each case shall be referred to the institutional hearing coordinator, with appropriate reports, who shall telephone the Headquarters Calendar to secure appropriate actions.

Such actions shall be recorded on a BPT form and forwarded immediately to the institution. All normal postings, duplicating and distribution shall be handled by the case records office staff.

#### **74030.20 Extended Term Hearings PC 1170.2(B)**

CCRM shall identify and recalculate an ISL term as if sentenced under the DSL. The case shall then be referred to the BPT Headquarters for determination of whether the case should be scheduled for an Extended Term Hearing.

Extended Term Hearings shall be heard within 120 days of reception by the department or the date the department received a new or amended abstract, or any court order which modifies the original commitment.

#### **74030.21 Parole Hearing For Cases With ISL and DSL Terms**

An inmate serving concurrent ISL and DSL terms shall be scheduled for an ISL parole consideration only if the minimum recalculated DSL release date on the ISL term is:

- Later than the release date on the DSL term, and earliest eligible release date (EERD). (See BPT 2310.)
- More than 60 days later than the MEPD on the ISL term.

An inmate serving consecutive ISL and DSL terms shall be scheduled for an ISL Parole Consideration Hearing only if the minimum DSL release date on the combined recalculated ISL and DSL term is:

- Later than the release date on the DSL term considered alone [as if it were concurrent (CC)], and
- More than 60 days later than the earliest eligible parole date computed by adding the ISL MEPD and the minimum DSL release date on the DSL term standing alone.

#### **74030.22 Previously Calculated Retroactive Term**

All legal status changes that might require a recomputation of a previously calculated retroactive term under PC 1170.2(a) or 1170.2(b)) shall be referred to a BPT panel for review and disposition.

Changes to retroactive PC 1170.2(a) or (b) terms include:

- Change in the base term for the base offense used in the calculation.
- Change in the enhancements on the principle offense used.
- Changes in consecutive (CS) offense or their enhancements used in the calculations.
- Additional commitments whether CC or CS.

Changes that do not affect retroactive term include:

- Certification or changes in PC 2900.5 credit or other such credit.
- Changes in CC terms which are not part of the previously approved PC 1170.2(a) recalculated term.

The legal status changes which may affect the term shall be set forth in the "facts" section of BPT Form 1135, Miscellaneous Decision.

The Recommendation Section shall contain the recommended action.

The BPT Form 1135 and related material shall be presented to a BPT panel for consideration and action.

The determination made by the hearing panel shall be recomputed by case records staff using a BPT Form 1094, Serious Offender Decision Face Sheet.

The Miscellaneous Section of the Face Sheet shall be used by case records staff to explain the method of computation. Full distribution of the computation must be completed. BPT Forms 1094 and 1135 shall be stapled together and filed in the Permanent Addenda.

#### **74030.23 Life Without Possibility of Parole**

All inmate's serving sentences of life without possibility of parole (LWO) shall be scheduled for BPT "review" 30 years after reception by the Department and every fifth year thereafter (BPT 2817).

#### **74030.24 Lifer Documentation Hearings**

Cases with 25-life or 15-life terms: During the 36th month following receipt in the Department, without regard for pre-prison credit.

Cases with 25-life or 15-life terms consecutive to enhancements and/or a DSL term: During the 36th month after commencement of the life term. In those cases in which the pre-prison credit exceeds the terms for the enhancement and/or the DSL term, the Documentation Hearing will be scheduled as above (BPT 2269.1).

Inmates committed as habitual offenders under PC 667.7 shall be scheduled for Documentation Hearings in accordance with BPT 2269.1 The initial Documentation Hearing shall be held during the 36th month after the life term begins.

Subsequent Documentation Hearings shall be held at three-year intervals until the Initial Parole Consideration Hearing.

If the latest Documentation Hearing falls within one year of the scheduled Initial Parole Consideration Hearing, then the Documentation Hearing shall not be required. This may in some cases require the Initial Parole Consideration Hearing panel to consider a four-year in-prison conduct review instead of the normal three-year span of time for Documentation Hearing reviews.

#### **74030.25 Community Revocation Hearings**

Revocation Hearings are normally held in the community near where the alleged violation occurred, except in the case of institutions operating Parole Violator processing units, unless the parolee has been transferred to an institution for custodial reasons or because of county jail overcrowding.

##### **74030.25.1 Revocation Procedures**

Revocation Hearings shall be held within court mandated time frames from date of arrest or date of hold. Pre-revocation Hearings may be held as provided in BPT 2646.

Upon receipt of the violation report, case records staff shall determine if the case must be forwarded to the Revocation Screening Calendar.

##### **74030.25.2 Waiver of Revocation Hearing**

Parolees, except those scheduled for psychiatric attention and return, are permitted to waive the Revocation Hearing.

##### **74030.25.3 Unconditional Waiver of Revocation Hearing**

An Unconditional Waiver includes a waiver of any right to a personal appearance before the BPT to contest the charges against the parolee but shall not be an admission of guilt. The parolee shall not later request a hearing, but may appeal the amount of time assessed by the BPT.

##### **74030.25.4 Optional Waiver of Revocation Hearing**

*Revised December 24, 1992*

A parolee who is undergoing criminal prosecution may conditionally waive the Revocation Hearing, but retains the option to later request a hearing.

Upon receipt of a signed Optional Waiver, the BPT shall determine whether there is good cause to revoke parole. This determination shall be made without a hearing or personal appearance by the parolee.

If the BPT orders parole revoked and the parolee returned to custody, the parolee then may request a Revocation Hearing following adjudication of criminal charges.

A hearing request shall be submitted no later than two months before expiration of the revocation period.

##### **74030.25.5 Post Revocation Hearing Procedures**

*Revised December 24, 1992*

Upon receipt of the BPT Form 1103, case records staff shall review the action including eligibility/ineligibility to earn applicable credit for accuracy and post it to CDC Form 112.

The Revocation Release Date (RRD), Projected Release Date (PRRD), Discharge Review Date (DRD), Controlling Discharge Date (CDD), and the Projected Controlling Discharge Date (PCDD) shall be computed and posted to the CDC Form 112, BPT Form 1103, and the CDC Form 144.

One copy of the BPT Form 1103 and one copy of the first page of the BPT Form 1103 shall be sent to the Parole Agent. The Parole Agent shall provide a copy of the first page of the BPT Form 1103 to the affected parolee.

One copy of the BPT Form 1103 and a copy of the violation report shall be sent to research. The canary copy of the BPT Form 1103 shall be sent to the BPT.

Once any action is taken by the BPT, case records staff shall post the action to the CDC Form 112. The PRRD, RRD, DRD, and the CDD shall be computed and posted to the CDC Form 112, the BPT Form 1104, and the CDC Form 144.

Two copies of the BPT Form 1104 shall be sent to the Parole Agent, one copy of the BPT Form 1104 shall be sent to the BPT, and one copy of the BPT Form 1104 and one copy of the violation report shall be sent to research.

##### **74030.25.6 Revocation Screening Calendar**

*Revised December 24, 1992*

If the BPT takes action to schedule the matter for revocation, post the action to the CDC Form 112 and wait for the revocation results (BPT Form 1103).

If the BPT revokes parole for a specified amount of time, hold the BPT Form 1104 until a signed Unconditional Waiver is received.

Upon receipt of the BPT Form 1101 and if parolee accepts offer, then post the action to the CDC Form 112.

Compute the RRD, PRRD, DRD, PCDD, and the CDD and post to the CDC Form 112, BPT Form 1104, and CDC Form 144.

If parolee rejects the offer, post the date of the rejection and the schedule for revocation proceedings on the CDC Form 112.

Dates shall be recomputed upon receipt of the BPT Form 1103.

##### **74030.26 The Call Sheet**

*Revised December 24, 1992*

Approximately three days prior to the scheduled meeting of the BPT, a final Call Sheet shall be prepared showing the order of calendar appearance of each inmate.

Distribution shall be as follows:

- Original to AW, Custody.
- Balance as required by local procedures.

The Call Sheet, listing the order of calendar appearance, psychiatric referral cases, caseload identification, and other related data is used as an administrative tool by both the BPT and facility staff.

##### **74030.27 Removal of Cases From Calendar**

*Revised December 24, 1992*

If a calendared case does not appear as scheduled due to an emergency transfer, hospitalization, refusal to appear, etc., the name shall be lined out on the panel's copy and the reason for the nonappearance listed.

In such cases, the Cumulative Case Summary shall be removed to preclude its unnecessary review by the panel.

However, if an "absentia determination" is to be made, the Cumulative Case Summary will be left for that purpose. (Specific information pertaining to the case may be obtained from the C-File if required.)

##### **74030.28 Absence of Inmate at Hearing**

The C&PR shall inform the officers handling the BPT line to inform the panel whenever an inmate may not be able to appear in regular calendar order.

This notification shall be given to the panel at least one case in advance of the absent inmate's scheduled appearance in order to prevent an unnecessary review of the case.

**74030.29 Inmate Refusal to Appear For Hearing**

*Revised December 24, 1992*

In all cases where an inmate refuses to appear on a BPT Calendar, a CDC Form 110--A, Waiver of Release Consideration, shall be prepared. Whether or not signed by the inmate, this form shall provide the inmate's stated refusal to appear and the reason if known.

If signed by a staff member, it shall denote the fact that the inmate has been contacted in person and has refused to appear, stating the reason if known.

This form shall be presented to the BPT panel before any determination is made and shall be subsequently filed in the inmate's C-File.

**74030.30 Revisions**

*Revised December 24, 1992*

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**74030.31 References**

*Revised December 24, 1992*

PC §§ 1170.2 and 3041.

CCR (15) (2).

## ARTICLE 17 — PREPARATION OF CALENDARS

*Revised September 22, 1992*

### **74040.1 Policy**

Department records shall be made available to the BPT at such times and in such form as the BPT may prescribe.

### **74040.2 Purpose**

This section sets forth procedures for scheduling, case preparation, and processing of cases for BPT hearings.

### **74040.3 Preparation**

Preparation of a hearing calendar begins months in advance of the hearings. The processes shall be completed within the specified time frames.

#### **74040.3.1 90-to-120 Days Before Month of Hearing**

A tentative computer listing shall be furnished to facilities by the BPT of life prisoners who should be scheduled for a hearing during a two-month period.

- The BPT shall continue to provide new and updated printouts every two months.

Facility staff shall review the listings and advise the BPT of the names and departmental identification numbers (CDC numbers) of prisoners who are:

- Entitled to a hearing during the period, but not included on the list.
- In need of rescheduling from previous months.
- On the list, but facility records reflect the inmate should not be scheduled.
- Ordered by the BPT to have an extended term hearing.

#### **74040.3.2 90 Days Prior to Hearing**

Prepare a tentative BPT calendar of those persons scheduled for hearings.

The calendar shall include:

- Inmate's name.
- CDC number.
- Type of hearing.
- Psychiatric report designation (when appropriate).

The tentative calendar shall be widely distributed throughout the facility.

The C&PR's copy of the calendar shall contain the following information:

- County of commitment.
- Minimum eligible parole date (MEPD).

A request for preparation of the appropriate report to the BPT shall be sent to the caseworker of each inmate.

#### **74040.3.3 30-to-60 Days Prior to Hearing**

The Correctional Counselor shall interview the life term inmate prior to the hearing and shall:

- Prepare a BPT report.
- Advise the inmate of hearing rights.
- Advise the inmate of the right to request an attorney. The BPT shall appoint an attorney if the inmate is indigent.
- Advise the inmate of their right to waive a hearing or ask for a continuance.

For life term cases, records staff shall prepare a BPT Form 1002, Life Prisoner: Parole Consideration Hearing Notice and send an original and one copy for the inmate's signature.

The caseworker shall verify the trust fund balance to determine if the inmate is indigent or able to pay for an attorney. (See BPT Rule 2256.)

If the inmate declines representation, the inmate shall complete a BPT Form 1003, Life Prisoner: Waiver of Attorney or Withdrawal of Request.

If the inmate has a private attorney or had a private or State-appointed attorney at the previous hearing, the caseworker shall verify the attorney's availability for the hearing.

#### **74040.3.4 45 Days Prior to the Hearing**

The C&PR or designee shall prepare and transmit a FAX, or mail a copy of the calendar to the BPT scheduling unit containing the following information:

- Inmate's full name.
- CDC number.
- Attorney designation.
- Attorney's name and telephone number.
- Previous attorney (if applicable).
- County of commitment.

Hearings shall be scheduled according to the proximity of the counties from which the inmate has been sentenced.

- Schedule inmates from the same county in succession. This shall accommodate the DAs who plan to attend.

#### **Restrictions**

The following restrictions shall be considered:

- Microfiche cases shall not be scheduled on Mondays or Fridays.
- The BPT's Executive Officer or Chairman shall approve the scheduling of three subsequent hearings in one day.

- If three hearings are scheduled, ensure that none are microfiche cases.
- No more than one initial, rescission, or extended term hearing or any combination of the three shall be scheduled in one day.
- Normal starting times for hearings are as follows:
  - 9:00 p.m. and 2:00 p.m. (two hearings).
  - 830 a.m., 10:45 a.m., and 2:30 p.m. (three hearings).

The inmate shall be given copies of BPT Forms 1002, 1003, if applicable, and 1080, Notice of Date, Time, and Place of Hearing.

- Records staff shall make five photocopies of each form to be included in hearing packets.

Crime partner information shall be photocopied and placed in the miscellaneous section of each packet.

#### **74040.3.5 35 Days Prior to Hearing**

Pull the C-File and prepare PC 3042 and 3043 notices. Mail notices to the following persons prior to any parole consideration or rescission hearing on a life prisoner:

- The judge who presided at the trial and conviction of the inmate.
  - Complete BPT Form 1087-A, Notice of Hearing– Judge (If the judge is retired, deceased, etc., send the notice to the presiding judge of the committing county.)
- The DA's office which prosecuted the case.
  - Complete BPT Form 1087-B, Notice of Hearing– DA and mail to the DA of the county of commitment.
  - Fill in the exact date and time of the hearing in the space provided should the DA wish to attend.
- The law enforcement agency which investigated the offense.
  - Complete BPT Form 1087-C, Notice of Hearing. Include the location of the offense on the form.
- The attorney who defended the inmate at the time of trial.
  - Complete BPT Form 1087-C.
- The AG's Office.
  - Complete BPT Form 1087-C. Include the county case number and victim(s) name. Indicate any change of venue cases.
- The law enforcement agency which employed the murder victim if the victim was a peace officer.
  - Complete BPT Form 1087-C.
- Victim/next of kin/immediate family member, support person, or counsel who has requested notice and has provided a current address. (Does not apply to rescission hearing.)
- Complete BPT Form 1087-D, Victims Notice of Hearing.
- BPT Form 1006, Advance Information Sheet, shall be attached and sent with the BPT Form 1087-D.

#### **BPT and C&PR Responsibilities**

- The BPT shall notify the C&PR of the authorization for the victim/next of kin/immediate family member, support person, or counsel to attend the hearing.
- Upon notification, the C&PR shall initiate "clearance" per facility procedures.
- The C&PR shall then notify the facility's Victim Services Representative (VSR)/Warden's designee.

#### **Reports**

Psychiatric reports from the medical department and board reports from the caseworker are due for completion.

- C&PR is to be advised of any board reports not completed.
  - Photocopy six copies, one of each to the inmate and one in each of the five hearing packets.
- Schedule a C-File review upon the request of the inmate's attorney.
  - Schedule the inmate to review their C-File prior to the attorney review if requested.
- If the inmate waived the right to an attorney, the caseworker shall arrange a C-File review upon request of the inmate.
- Remove confidential folder from the C-File and check contents.
  - Complete CDC Form 819, Personal Information Disclosure Log.
  - Place a copy of the form in the confidential section of the C-File.
  - Original to the C-File.
- Records staff shall review all hearing packets for completeness.
  - Forward one packet each to the DA and the inmate's attorney by certified mail.
  - When returned, file the certified receipt in the inmate's C-File.

#### **74040.3.6 10 Days Prior to Hearing**

Ten days prior to the hearing is the deadline for incorporating or sending material to the DA or the inmate's attorney for inclusion in the hearing packet.

- Any material received after this date shall be placed in an envelope to be given to both attorneys on the date of the hearing.

#### **74040.3.7 5-to-7 Days Prior to the Hearing**

Review hearing packets for completeness. Sign and date the BPT Form 1008, Life Prisoner Parole Consideration Hearing Checklist.

Update the master calendar with the names of attorneys who will attend the hearings.

#### **74040.4 Documentation Hearing**

The documentation hearing is conducted for the purpose of monitoring and recording the inmate's conduct, adjustment, and progress while incarcerated and occurs prior to the initial parole consideration hearing.

##### **74040.4.1 Panel Composition**

The documentation hearing shall be conducted by one deputy commissioner.

A facility staff representative, knowledgeable about the individual case and facility programs, shall be available to advise and assist the panel in its evaluation and documentation of the inmate's progress.

##### **74040.4.2 BPT Hearing — Victim Escort Procedures**

Victims/next of kin/immediate family members, support person, or counsel upon arrival at the correctional facility shall be escorted to the hearing.

##### **VSR/Warden's Designee Responsibilities**

- The VSR/Warden's designee shall meet the victim/next of kin/immediate family member, support person, or counsel at the entrance to the facility. They shall be present during processing to assist as needed.
- The VSR/Warden's designee shall escort the victim/next of kin/immediate family member, support person, or counsel to a room in the BPT hearing area separate and apart from the inmate and/or the inmate's attorney.
- The VSR/Warden's designee shall remain with the victim/next of kin/immediate family member, support person, or counsel until the beginning of the hearing.
- The VSR/Warden's designee shall ensure that the hearing room has proper accommodations.
- The VSR/Warden's designee shall be available outside of the hearing room and shall, upon completion of the hearing, escort the victim/next of kin/immediate family member, support person, or counsel, to an area providing privacy for expression of thoughts and/or emotional response to the hearing if desired.
- The VSR/Warden's designee shall accompany the victim/next of kin/immediate family member, support person, or counsel during exit processing from the facility.

##### **74040.4.3 Inmate Hearing Rights**

The inmate shall have the rights enumerated in BPT Rules 2246 through 2254.

##### **74040.4.4 Documents Required**

The material to be presented at these hearings shall consist of the:

- C-File.
- BPT Form 1009, Life Prisoner: Documentation Hearing, with the inmate's name, number, facility, sentence information, maximum term, and MEPD typed on the form.
- Parole documentation hearing board report.
- Psychiatric reports.

##### **74040.4.5 Post Hearing Procedures**

The CCRM shall schedule the inmate for a subsequent documentation hearing or parole consideration hearing as appropriate.

Documentation hearing results shall be posted to the CDC Form 112, Chronological Inmate History.

The BPT Form 1009 shall be completed by the panel at the time of the hearing and shall be effective at that time.

A copy shall be given to the inmate.

The BPT Form 1004, Life Prisoner: Post-conviction Progress Report, the BPT Form 1009, the psychiatric evaluation, and any other documents designated by the panel shall be incorporated as a part of the "Board Addenda" to ensure availability to the initial parole consideration hearing panel.

##### **74040.5 Initial and Subsequent Parole Consideration Hearings**

If the inmate is found unsuitable, parole shall be denied and a written statement of the specific factual reasons for the denial shall be given to the inmate.

At the subsequent hearings, the panel shall consider the information developed since the last hearing.

The hearing panel may recommend to the inmate certain steps that may be undertaken to enhance the possibility of a grant of parole at a future hearing.

If an inmate is found suitable for parole, a tentative parole date shall be set.

##### **74040.5.1 Panel Composition**

###### **(Life)**

The panel shall be composed of three BPT staff, two of whom shall be commissioners.

###### **(Nonlife)**

The panel shall be composed of three BPT staff, two of whom shall be deputy commissioners.

##### **74040.5.2 Inmate Hearing Rights**

###### **(Life)**

The inmate shall have the rights enumerated in BPT Rules 2245 through 2256.

###### **(Nonlife)**

The inmate shall have the rights enumerated in BPT Rules 2245 through 2252, 2254, and 2255.

##### **74040.5.3 Required BPT Forms (Life Cases)**

The following forms shall be available for use for life cases:

- BPT Form 1000, Life Prisoner Parole Consideration Worksheet.
- BPT Form 1000(a), Setting a Term-Life Prisoner Parole Denied.
- BPT Form 1000(b), Setting a Term-Life Prisoner Parole Granted.
- BPT Form 1001, Life Prisoner Decision Face Sheet.

- BPT Form 1001-A, Life Prisoner Hearing-Extraordinary Action and Decision.
- BPT Form 1002.
- BPT Form 1003.
- BPT Form 1004.
- BPT Form 1005, Life Prisoner: Parole Consideration Proposed Decision (BPT 2041).
- Life Prisoner: Parole Consideration Proposed Decision.
- BPT Form 1008.
- BPT Form 1080.
- BPT Form 1087-A, B, C, and D.
- BPT Form 1082, Continuation Sheet.

#### **74040.5.4 Hearing Package Preparation**

Three packages plus the original hearing material listed on the CDC Form 822 shall be prepared for use during the parole consideration hearing for non-life cases.

Four packages plus the original hearing material as listed on BPT Form 1008 shall be prepared for use during the parole consideration hearing for life cases.

Lifer and non-lifer packages shall contain letter-size dividers with side index tabs, divided into categories. Within each category, documents shall be filed together in reverse chronological order, beginning with the most recent dated document. The packages shall be divided into the following categories:

- Case Summary.
- BPT report(s) (all).
- Psychiatric report(s) (all).
- Prior BPT decisions (Adult Authority, Community Release Board [CRB], BPT).
- Notices and responses (current hearing) including official letters, fearful letters, and supporting letters.
- Legal documents:
  - POR.
  - Crime report(s).
  - Abstracts of judgment/Minute orders.
  - Charging documents.
  - Appellate court decisions.
  - Sentencing transcripts.
- Miscellaneous:
  - Crime partner decision forms if any.
  - Notice of hearing rights.
  - Disciplinary reports since last hearing.
  - Other pertinent information developed since the last hearing.
  - Photographic evidence.
- For subsequent hearings include the last hearing transcript, not indexed.

#### **Prior to Hearing**

Prior to the hearing, the case records staff shall prepare the following BPT forms:

- BPT Form 1001.
- BPT Form 1005.
- BPT Form 1004.
- BPT Form 1082.
- BPT Form 1000.
- BPT Form 1000(a).
- BPT Form 1000(b).
- BPT Form 1081 if applicable.

#### **74040.5.5 Distribution of Packages**

The following distribution is mandatory:

- One for each commissioner.
- One for the inmate's attorney.
- One for the representative of the DA's office.

#### **74040.6 Parole Board Rules Hearings (In re Stanworth)**

The California Supreme Court held that life prisoners who committed their offenses prior to July 1, 1977 are entitled to have parole dates established under the guidelines in effect prior to July 1, 1977.

The court further held that denial of the establishment of parole dates of these prisoners under the earlier guidelines violated the constitutional prohibitions against ex post facto laws.

#### **74040.6.1 Eligibility**

A life-term inmate is entitled to a parole consideration hearing under Parole Board Rules (PBR) if:

- The offense was committed on or before June 30, 1977; and,
- The inmate presently has a parole date that was granted under BPT or CRB Rules, but has not received a parole date under PBR.

#### **74040.6.2 Hearing Guidelines**

The BPT shall use the parole consideration guidelines in the PBR 2200 through 2360 (CCR (15) (2) Reg 76, No. 21, 5/22/76).

#### **74040.6.3 Panel Composition**

The hearing shall be conducted by two deputy commissioners.

#### **74040.6.4 Inmate Hearing Rights**

The inmate shall have the rights specified in PBR C 2110 through 2119 [CCR (15) (2) Reg 76, No. 21, 5/22/76].

#### **74040.6.5 Hearing Packets**

Two hearing packets detailed in DOM 74040.3.7 shall be prepared for these hearings.

#### **74040.7 Progress Hearings**

A progress hearing shall be scheduled periodically after a life-term inmate has had a parole date established.

The panel shall determine whether a previously set parole date should be advanced because of the inmate's positive conduct in prison or whether there are changes in circumstances that might lead to an earlier parole date.

#### **74040.7.1 Panel Composition for Progress Hearings**

Progress hearings shall be conducted by a panel of three, two of whom shall be commissioners.

#### **74040.7.2 Hearing Procedures**

The inmate is not entitled to an attorney.

A representative from the DA's office of the committing county shall not attend.

No PC 3042 notices are required.

Progress hearings are scheduled as "trailers" to the regular lifer calendar or they may be formally scheduled.

#### **74040.7.3 Procedures Prior to the Hearing**

Reports required:

- BPT reports.
- Psychiatric report (when a previous panel has requested one for this hearing).

Completion of the report and disclosure to the inmate shall occur 30 days prior to the hearing.

Three hearing packets shall be prepared and include the documents listed on the CDC Form 823, Indeterminate Sentencing Law (ISL) Progress Hearing Checklist.

Complete the information required on the BPT Form 1007, Life Prisoner Progress Hearing Decision Face Sheet.

Complete the required information on the BPT Form 1004.

#### **74040.8 Postponement or Rescission of Release**

The parole date of an ISL inmate or of a life or non-life PC 1168 inmate may be postponed or rescinded for good cause at a rescission hearing.

The BPT shall determine whether to initiate rescission proceedings.

#### **74040.8.1 Procedures for Reporting**

Staff shall report serious disciplinary behavior to the BPT, headquarters calendar, pursuant to BPT Rule 2451.

Cases shall be reported prior to the inmate's scheduled parole date.

- If a case has not been referred to the DA for prosecution, the case shall be reported within 15 days.

If the case has been referred to the DA, the case shall not be reported to the BPT until:

- Within 15 days after refusal to prosecute.
- Within 15 days after the criminal prosecution has terminated.
- The inmate is within 60 days of their scheduled release date.

The BPT shall note the report, take no action, or order the matter placed on calendar.

The decision shall be documented by the BPT, headquarters calendar, and a copy sent to the facility.

#### **74040.8.2 Postponement or Rescission of Release Date**

If an inmate with a previously established parole date receives a new commitment to prison, the parole date shall be rescinded and no hearing by the BPT is required.

The inmate may appeal the rescission only on the grounds that they are not the person sentenced by the new judgment.

The CCRM shall process the new commitment, post the CDC Form 112 indicating the parole date has been rescinded.

The CDC Form 112 posting shall read: \_\_\_\_\_ (Date of posting) parole date of (date of parole) rescinded per BPT Rule \_\_\_\_\_ (indicate applicable BPT Rulenumber).

- BPT Rule 2273 in the case of life inmates.
- BPT Rule 2308 for ISL and nonlife PC 1168 inmates.

#### **74040.9 Hearings for Inmates With Changes in Legal Status**

The inmate shall be scheduled for a parole consideration hearing pursuant to BPT Rule 2308(c).

- If the new term is for a determinate term, the parole consideration hearing shall be conducted within 60 days of the receipt of the new commitment.

- The legal status change shall be considered at the initial parole hearing as regularly scheduled or as would be scheduled considering the change in the legal status.

After the initial ISL parole hearing if a legal status change occurs, the inmate shall be scheduled immediately for a progress or subsequent hearing as appropriate.

#### **74040.9.1 Pre-hearing Procedures**

An inmate shall have the right to request the presence of friendly and/or adverse witnesses at a rescission hearing, BPT Form 1015, Notice of Right to Rescission Hearing.

The witnesses shall be called unless the hearing panel has specified reasons to deny the request.

Witnesses shall be screened under the procedures of BPT Rule 2668.

An inmate may request, subpoena, or subpoena duces tecum witnesses as provided in BPT Rules 2675 through 2682. If denied, the specific reason(s) for the denial shall be documented and a copy given to the inmate.

During the hearing, the inmate has the right under the direction of the hearing panel to question all witnesses.

An inmate is entitled to an attorney and may request assistance (BPT Form 1015).

PC 3042 notices shall be sent according to procedures outlined in DOM 74040.3.5.

#### **74040.9.2 Documents Required**

Prepare five hearing packets containing the following:

- A cover sheet with the following information:
  - Inmate's name.
  - CDC number.
  - Reception date.
  - Offense.
  - MEPD.
  - BPT parole date granted and parole date.
  - PBR parole date granted, if applicable, and parole date.
  - Dates of progress hearings, if applicable, and new parole dates.
- Copies of CDC Form 115s and Department investigative reports only.

If the basis for the rescission hearing is psychiatric deterioration, include copies of recent psychiatric chronos or other necessary information.

Copies of BPT Form 1080 and CDC Form 833, Record Information Release Authorization, shall be included.

Prepare BPT Form 1016, Summary of Rescission Hearing and Decision with name and CDC number on the bottom of the form.

The C-File shall be available in the hearing room.

#### **74040.9.3 Panel Composition**

The rescission hearing for life prisoners shall be conducted by a panel of three, at least two of whom shall be commissioners.

For ISL inmates, the hearing shall be conducted by two deputy commissioners.

#### **74040.10 Extended Term Hearings**

The CCRM shall refer the case of any inmate for screening as ordered by the BPT.

The second screening shall be conducted by deputy commissioners who shall review the case including the retroactive calculation, CDC Form 678, Cumulative Case Summary Confinement Computation.

If the panel determines that the inmate shall receive PC 1170.2(a) recalculated Determinant Sentencing Law (DSL) release date, that shall be the decision and the inmate shall be notified in writing of the decision, CRB Form 1091, Third Screening Decision.

The cases referred for extended term hearings shall be reviewed by two commissioners within 90 days of reception by the Department.

Extended term hearings shall be conducted within 120 days of reception by the Department or 120 days from the date the Department received a new or amended abstract or any court order which modifies the original commitment.

A prisoner scheduled for an extended term hearing has the rights enumerated in BPT Rules 2245 through 2256.

The panel shall be composed of three BPT staff, two of whom shall be commissioners.

#### **74040.10.1 Previously Retroactively Calculated**

All legal status changes that might require a re-computation of a previously recalculated term shall be referred to a BPT panel for review.

Changes to retroactive PC 1170.2(a) or (b) terms include:

- Change in the base term used for the calculation.
- Change in the enhancements on the principal term used.
- Changes in consecutive (CS) offenses or their enhancements used in the calculation.
- Additional commitments, whether concurrent (CC) or CS.

Changes that do not affect retroactive term(s) include:

- Certification or changes in preprison credits.
- Changes in CC terms which are not part of the previously approved PC 1170.2(a) calculation.

Legal status changes which may affect the term shall be set forth in the "facts" section of BPT Form 1135, Miscellaneous Decisions.

The recommendation section shall contain the recommended action.

The BPT Form 1135 and related material shall be presented to a BPT panel for consideration action.

The determination of the hearing panel shall be computed by case records staff using CRB Form 1089, Serious Offender Face Sheet.

The miscellaneous section of the face sheet shall be used by case records staff to explain the method of computation.

Full distribution of the computation shall be completed.

The CRB Form 1094, Serious Offender Decision Face Sheet, and BPT Form 1135 shall be stapled together and filed in the addenda.

**74040.11 Parole Hearing For Inmates Serving Life Terms**

All inmates serving sentences of life without possibility of parole shall be scheduled for BPT review 30 years after reception by the Department and every fifth year thereafter (BPT 2817).

**74040.12 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**74040.13 References**

CCR (15) (2) Reg 76, No. 21, 5/22/76.

PC §§ 1168, 1170.2(a), 1170.2(b), 3042, and 3043.

BPT Rule 2041, 2246 - 2256, 2273, 2308, 2451, 2668, 2675 through 2682, and 2817.

PBR §§ 2110 - 2119 and 2200 - 2360.

**ARTICLE 18 — *UNASSIGNED***

## **ARTICLE 19 — PRE-RELEASE REFERRALS**

*Effective August 21, 1989*

### **74060.1 Policy**

*Revised June 16, 1995*

Prerelease referrals shall be processed within established time frames to assure timely reentry screening and assignment to Parole Agents.

PC 6264 requires that each inmate be reviewed for work furlough consideration at least 120 days prior to their scheduled parole date.

### **74060.2 Purpose**

*Revised June 16, 1995*

This section sets forth the time frames and procedures for processing prerelease referrals.

### **74060.3 Release Defined**

*Revised June 16, 1995*

Release on parole is the legal and physical transfer of an inmate from confinement in an institution to the supervision of a Parole Agent of the P&CSD .

Discharge is the termination of custody of any person committed to the Department accomplished either by expiration of the maximum sentence prescribed by law, official BPT/Narcotics Addict Evaluation Authority (BPT/NAEA) action or court order.

### **74060.4 Time Frames for Referral to P&CSD**

*Revised June 16, 1995*

An inmate's case shall be scheduled for a prerelease referral to the appropriate parole region nine months prior to the anticipated release date.

#### **Regular Cases**

Cases having less than seven months remaining prior to the anticipated release date shall be processed as soon as possible.

#### **Imminent Release**

Where a calculated release date indicates release on parole must occur in the immediate future the procedures in DOM 82010 shall be followed.

A CDC Form 611, Release Program Study (RPS) is an informational document which specifies the inmate's:

- Proposed residence.
- Employment.
- Available resources.
- Interest in reentry/work furlough.
- Institutional adjustment.
- Prognosis for parole adjustment.

The completed RPS shall be returned to the facility case records office within the time frames established in DOM 81010.

#### **Counselor**

The counselor shall interview the inmate and prepare the RPS including:

- Special information pertinent to parole.
- Boldly document in the "C&PR Comments" section whether or not the inmate is subject to PC 2933 credit earnings and current work group assignment.

#### **C&PR**

After completing the RPS, the counselor shall forward the RPS to the C&PR by their supervisor.

#### **Public Interest Case**

The C&PR shall ensure that the RPS reflects the inmate's status. If the inmate is designated a "Public Interest Case" by Classification Services pursuant to DOM 62010.4.3.3, a copy of the RPS and any supporting documentation shall be forwarded to the:

Assistant Director, Communications  
California Department of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001

#### **Case Records Staff**

Case Records staff shall forward the RPS and other material pursuant to DOM 74060.4.2 and 74060.4.3 to the parole region of the county of commitment at least 210 days prior to the scheduled release date.

While preparing the prerelease lists, Case Records staff shall identify and notify the CMO of those inmates who are required to provide blood and saliva samples pursuant to PC 290.2 and who have not yet complied with the requirement.

#### **Dual Referral for Out-of-State**

Dual referral prerelease packages for inmates referred for out-of-state placement shall be forwarded to both the parole region of the county of commitment and the Interstate Unit pursuant to DOM 74060.9.

### **74060.4.1 Location for Referral**

*Revised June 16, 1995*

Pursuant to PC 3003, all inmates shall be paroled to the county of commitment as defined in DOM 81010 unless the case complies with the exception criteria in that section.

### **County of Commitment**

Exceptions to placement in the county of commitment may be permitted in very unusual cases by P&CSD staff.

### **Counselor**

When a pre-parole case is referred or re-referred to the county of commitment contrary to the inmate's expressed desires, the counselor shall include detailed information in the RPS as to the inmate's alternative release program.

If a RPS is returned to the facility and the inmate is not satisfied with the decision to release to a county other than that preferred by the inmate, the inmate may appeal that decision. See DOM 54100.

### **74060.4.2 Material Forwarded**

*Revised June 16, 1995*

Case records staff shall forward the material specified in DOM 83000 to the appropriate parole region.

### **POC**

If attendance at the POC is a special condition of parole or the case is referred "to be evaluated by POC," one completed and stamped "POC" copy of CDC Form 611, one inmate photo, and one copy of the Case Summary shall be sent to the region office.

### **74060.4.3 Photos**

*Revised June 16, 1995*

Case records staff shall forward three inmate photos with the prerelease referral material sent to the parole region.

### **74060.5 Retention in the Department for Another Jurisdiction**

*Revised June 16, 1995*

Occasionally, a California inmate may be paroled on their departmental term and retained within a Department facility under contract with another jurisdiction. The following procedures have been developed to provide a uniform method of recording such transactions:

- The C-File shall be retained at the facility.
- A dummy file shall be forwarded to the Region I Records Office, including copies of:
  - CDC Form 112.
  - Case Summary.
  - Abstract/Minute Order.
  - Fingerprint Card.
  - Photograph.
- A Field File shall be forwarded to the Interstate Unit Office in accordance with established procedures.
- Under no circumstances shall the inmate/parolee be assigned an additional departmental identification number.
- The Daily Report of Arrivals and Departures will show the following entry under "Notices:"
  - B-12345 Doe, John Paroled 12-5-77 and retained on Oregon commitment pursuant to WICC/IC Federal Contract. Parole period:\_\_\_\_\_. DD:\_\_\_\_\_. CI&I:\_\_\_\_\_.
- CDC Form 112 shall be posted as follows:
  - (Date) Paroled-Interstate and remains under Oregon commitment per PC 11190 parole period \_\_\_\_\_ discharge date \_\_\_\_\_.
- Should the inmate/parolee be transferred, transfer information shall be forwarded to the Region I case records office for inclusion in the dummy file.
- Upon parole from custody under the other state's commitment, standard parole transfer procedures shall be initiated.
- Should an active parolee be accepted and received in a departmental facility on a contract basis, facility staff shall contact the appropriate region's case records office and request the C-File.
- The region's case records office shall have the responsibility of preparing the dummy file for their use prior to shipping the C-File.
- Upon discharge from parole on California term and remaining on contract case only, refer to DOM 72020 for procedures to be followed for processing the case.

### **74060.6 Parolees Released From Institution Subsequent To Revocation or Limited Placement**

*Revised June 16, 1995*

Parolees may be released to parole subsequent to revocation or limited placement as follows:

- When a parolee is serving time in local custody, the Parole Agent shall aid the parolee to return to the previous parole program or develop a different program.
- When a parolee has been returned to a departmental facility for revocation, facility staff shall inform the agent-of-record at least 15 days prior to the scheduled release date of the inmate's proposed residence and other significant program information.

### **74060.7 Reentry Referral of Direct Discharge Cases**

*Revised June 16, 1995*

To ensure that direct discharge cases are referred to the P&CSD for reentry screening, facilities shall:

- Identify inmates under PC 1170 commitments where the period of parole has been waived by the BPT.
- Complete Section A of the RPS on these cases and refer them to the parole region.

Inmates with direct discharge dates may request reentry consideration. Direct discharge cases shall be referred to P&CSD in the same manner as pre-parole referrals.

As a means of distinguishing direct discharge cases from pre-parole referrals, institution staff shall ensure that the parole date block of Section A of the RPS includes the word "DISCHARGE" in capital letters after the release date. Additionally, the C&PR comment section shall include the notation "Direct Discharge." Attachments to the RPS shall be the same as pre-parole referrals. Direct discharge cases shall not be referred to the parole units.

## **74060.8 Referral of Cases With Detainers**

*Revised June 16, 1995*

Prior to prerelease referral case records staff shall ascertain the status of any detainer and the agency's intent.

If a detainer is to be exercised by a California agency, referral shall be made in accordance with procedures in DOM 74060.4. The RPS shall contain information that the inmate is scheduled for release to a detainer. When the release is imminent, the reentry coordinator of the region shall be contacted and advised of the status.

### **Case Records**

If a detainer is to be exercised by an out-of-state or federal agency, referral shall be made to the appropriate region as determined in DOM 74060.4.1. The region shall be kept informed of the status of the detainer and/or pending release.

Files of inmates released to detainers shall be forwarded pursuant to DOM 74070.

## **74060.9 Referrals For out-of-state Placement**

*Revised June 16, 1995*

The Interstate Probation and Parole Compact permits the placement of parolees out-of-state. Certain criteria are involved:

- The parolee was a resident of the receiving state.
- Has family ties in that state.
- Is able to obtain employment there.

### **74060.9.1 Transmittal Documents**

*Revised June 16, 1995*

Pre-parole material shall be sent to the region designated according to the guidelines in DOM 74060.4.1. The additional documents specified in DOM 81010 for out-of-state parole referrals shall be forwarded to the Interstate Unit not more than 90 days prior to the scheduled release date.

**Note:** Forms must be complete and include necessary signatures.

### **Signatures**

It is important that the signature element of the form carry the names of the California "Deputy Compact Administrator, Paroles" and "Supervisor, Interstate Unit" to ensure that the replies from out-of-state are directed to the Interstate Unit for appropriate follow-up. In the event the administrator of the out-of-state facility fails to reply on the date in closest proximity of the release date, the Interstate Unit shall attempt to expedite the matter and shall notify the institution accordingly. Practices differ among states and, therefore, the referral shall specifically indicate whether the parolee has a home, an offer of employment and legal residence in the proposed receiving state.

### **74060.9.2 Acceptance**

#### **Case Records Staff**

If the proposed out-of-state placement is accepted by the receiving state, the Interstate Unit shall advise the institution, provide reporting instructions and authorize release to the out-of-state program. At the time of release, prepare a CDC Form 1532, Probation Form II-Report of Sending State Upon Probation and/or Parole Being Sent to Another Jurisdiction in quadruplicate; original to the C-File, three copies to the Interstate Unit (one copy for the receiving state and one copy for the inmate/parolee).

### **74060.9.3 Rejection**

#### **Counselor**

If the proposed out-of-state placement is rejected, the Interstate Unit shall advise institutional staff of the rejection. A copy of the rejection form shall be forwarded to the institution. The counselor shall share the reason for the rejection of supervision out-of-state with the inmate unless restricted from doing so by the other state.

## **74060.10 BPT Investigation and Program Development Requests on ISL Cases**

Occasionally the BPT will require additional information concerning a particular case because the information either was not available or was not included in the Case Summary at the time it was prepared.

In general, a request for a special investigation and/or program development shall be made when direct contact with an outside party or agency appears necessary.

When such a report is requested, the information furnished shall include:

- The background and purpose of the referral.
- Suggested or required deadline for completion (unless there are extenuating circumstances, at least 30 to 60 days shall ordinarily be allowed for the completion of the report).
- Commissioner or Deputy Commissioner requesting the investigation.
- The general and specific areas to be included in the report.

If a specific agency, official, or person is involved in the investigation, the request shall include the name of the agency, official, or person to be contacted. In some instances, the request shall delineate the specific information required. In other instances, only a general request shall be made.

### **74060.10.1 Types Of Requests**

Before a parole date is set or an affirmative action is taken by the BPT, the matter is usually referred to the BPT, Investigation Unit.

After a parole date has been set or an affirmative action is taken by the BPT, the matter is usually referred to the appropriate parole region.

Categories of Program Development Reports.

- P&CSD.
  - Home and Care placement information.
  - Availability of benefits (e.g., retirement, Social Security).
  - Hospitalization or similar release possibilities.
  - Other release assistance.

- BPT, Investigation Unit.
  - Additional details of instant offense.
  - Information on prior arrest or conviction.
  - Official advice of inmate's progress.
  - Community and/or official attitude with regard to a specific case.
  - Other similar possibilities.

**74060.10.2 Determination of Unit for Investigation**

The primary reason for the referral shall govern the unit to which the referral is sent. In any case where the institutional staff have a serious doubt as to whether the P&CSD or the BPT Investigation Unit, should handle the investigation, the matter will be referred to the BPT's Executive Officer.

**74060.10.3 Material Forwarded With Request**

The following material shall be forwarded with the request:

- Two copies of an up-to-date case summary.
- Photos of the inmate.
- Second and third copies of CDC Form 247, Request for Special Investigation and/or Program Development.
- Copies of any other material pertinent to the investigation.
- Material for referrals to P&CSD shall be sent to the RPA.

**74060.10.4 Channeling Of Completed Investigations**

The results of the investigation and a copy of the initial CDC Form 247, Request for Investigation and/or Program Development, shall be routed to the region for review, approval and transmittal to the institution. All attachments submitted by the institution at the time of the referral shall be returned to the institution with the report.

The unit office shall retain a copy of the CDC Form 247, a copy of their investigation results and the case summary.

This material shall be retained for six months and, if no further information requests are received, destroyed.

**74060.11 Revisions**

The Deputy Director, Institutions Division, or designee shall ensure that the contents of this section are current and accurate.

**74060.12 References**

PC §§ 3003 and 11175.

ACA Standards 2-4482, 2-4483, 2-4484, 2-4485 and 2-4486.

## ARTICLE 20 — INSTITUTION RELEASES

*Revised February 23, 1995*

### **74070.1 Policy**

It is the policy of the Department to release inmates on their properly calculated release date.

### **74070.2 Purpose**

This section sets forth uniform procedures for the release of individuals.

### **74070.3 Uniform Procedures**

All inmates shall be released on the scheduled Indeterminate Sentencing Date (ISL) or Determinate Sentencing Date (DSL) release date. This includes Saturdays, Sundays, and holidays.

Paperwork and routine dress-out procedures on cases with release dates on weekends or holidays shall be completed prior to the weekend or holiday.

### **74070.4 Released To Holds**

Inmates that have ISL/DSL release dates may be released to a "Detainer" placed by another jurisdiction.

Refer to DOM 72040.6 and 72040.7.

The CDC Form 161, Wardens' Checkout Order, shall be prepared as outlined in DOM 74070.21 of this manual and shall reflect both the release to custody date and the actual parole date to facilitate proper OBIS entry.

A CDC Form 801, Detainer, shall accompany the inmate upon release to ensure that he/she remains in custody until their actual parole date.

Parole agents, when submitting releasing instructions to the institutions, shall make special note of cases that, due to medication needs or other case factors, require immediate contact with the Parole Agent upon release.

- The Parole Agent shall initiate Temporary Community Release (TCR) procedures to allow release on a regular business day, or shall make arrangements to pick up the inmate on the actual release date.

### **74070.5 Out-of-State Releases**

*Revised January 4, 2006*

Authorization for parole to another state is reported to the Department of Adult Parole Operations, Interstate Parole Unit by the receiving state. The Interstate Parole Unit shall transmit, to the appropriate institution, an official memorandum or FAX that outlines release date and reporting instructions.

### **74070.6 Release or Discharge**

The release of a prisoner from an institution upon expiration of the maximum sentence (discharge) or upon completion of sentence prior to parole may occur at anytime after 12:01 a.m. on the date of their scheduled release.

### **74070.7 FAX Authorization for Release**

The routine use of FAXs for parole release authorization is discouraged; however, it may be used in emergencies.

When FAXs are used, the agent shall prepare a parole release authorization and route the original to the regional office with a copy to the institution.

For FAX releases, the unit supervisor shall notify the institution by FAX no later than 10:00 a.m. (sending time from the unit) on the day preceding such release, and send a copy of the FAX parole release authorization to the region.

Refer to DOM 74070.5 and 74070.9 of this manual for information.

### **74070.8 Modification of ISL Release Up To 60 Days**

BPT Rules permit a 60-day advancement of a previously established ISL parole date.

Conditions for advancement of release date are:

- The release date shall not be prior to the inmate's Minimum Eligible Parole Date (MEPD).
- The Board determination granting release on parole does not specifically direct that the parole date not be advanced. A prior advancement by the BPT shall not, in itself, preclude the advancement per parole procedures in the BPT Rules.
- There are no unresolved or administrative prohibitions to a release on parole, such as notices, pending disciplinary or incident reports, rescission proceedings, etc..
- Any condition upon which the parole date has been specifically conditioned has been fully met.
- The Department's staff have authorized, in writing, the earlier release in accordance with the BPT Rules.

### **74070.9 Modification of ISL Release by FAXs**

In unusual cases, when time factors make it impossible to process a parole release authorization advancing a parole date through normal channels, the unit supervisor is authorized to certify to their review of the record and compliance with BPT Rules.

- The C&PR may also certify to BPT Rule compliance.
- These procedures shall only be used in critical time factors.

In such cases, a regular CDC Form 1504 shall be immediately prepared, signed by the unit supervisor, and forwarded to the institution for certification and appropriate processing.

### **74070.10 Modification Of ISL Releases Over 60 Days**

Institutional or regional staff may refer, to the C&PR, a case for consideration of advancement of release date.

The C&PR shall place the case on the BPT Miscellaneous Proceedings Calendar when circumstances warrant an early Progress Review Hearing. Examples of such circumstances are:

- Terminal illness.
- New or modified material which might have significantly altered the panel decision had the information been available at the time of the hearing.

- Completion of requirements specified by the BPT.
- Exceptional employment offer which would not be available at the time of established release date.
- Long-term psychotherapy cases whose progress dictates an earlier release consideration.

#### **Sixty-Day Maximum Advancement to Foreign Jurisdiction ISL Releases Only**

Advancements may be granted to inmates with Detainers from other jurisdictions, including deportation orders.

CCRM shall ensure that all legal requirements have been met, and in appropriate cases, the inmate shall either have waived extradition or extradition proceedings shall have been completed.

#### **74070.11 Release Program Study (RPS)**

P&CSD staff shall return the completed RPS and the Conditions of Parole to the institution no later than 60 days prior to the inmate's scheduled release date.

The RPS shall include specific instructions as to when, where and to whom the parolee should report.

The prospective parolee may have a legitimate reason for a delay en route to the parole program. The Parole Agent's decision in these matters shall be part of any parole release authorization instructions.

Any delay en route to the parole region shall not exceed seven calendar days unless the unit supervisor authorizes a longer delay.

A copy of the RPS shall be given to the inmate.

#### **74070.12 Conditions Of Parole**

A CDC Form 1515, Notice and Conditions of Parole shall be prepared setting forth the conditions of parole or release.

The BPT shall establish and impose the special parole conditions and the length of parole within the statutory maximum for all life prisoners, non-life PC 1168 prisoners, and ISL prisoners released on ISL parole dates.

Under guidelines specified by the BPT, the department shall establish and impose the special conditions of parole and the length of parole within the statutory maximum for all DSL prisoners and ISL prisoners released on DSL release dates as retroactively calculated.

Distribution of the form is:

- Original to C-File.
- One copy to the Field File.
- One copy to the releasee at time of release.

#### **74070.13 Advising Inmate**

At least 45 days prior to the scheduled release on parole, a CC-I shall explain the RPS, the conditions of parole and the reporting instructions to the inmate.

The inmate shall also sign the Notice and Condition of Parole Form.

#### **74070.14 Inmate Refusal to Sign Form 1515**

If an inmate in an institution refuses to sign the CDC Form 1515, the CC-I shall prepare a CDC Form 115, Rules Violation Report; a brief CDC Form 1521-A, Charge Sheet; and a CDC Form 1521-D, Recommendation Review Decision Sheet; and advise the C&PR.

The inmate shall be charged with violating CCR (15) (3) 3315(a)(3), by the specific act of "Refusing to Sign Conditions of Parole". The C&PR shall telephone BPT, Scheduling Unit, and schedule the case for a revocation hearing which should be conducted prior to the inmate's release date.

See DOM 76010 for procedures that relate to Civil Addict cases.

#### **74070.15 Direct Releases From Court**

An inmate released on parole directly from court, placed in a reentry facility, or otherwise released and who has not previously signed the CDC Form 1515, or who has not signed the Notice and Conditions of Parole after special conditions of parole have been added to the form, shall be asked to do so by the Parole Agent during the next interview.

If they refuse to sign the form, the assigned Parole Agent shall inform the unit supervisor.

The unit supervisor shall:

- Ensure that the inmate/parolee is placed in custody.
- Direct the agent of record to prepare a Violation Report and refer the case for a revocation hearing.

When the inmate reads and signs the conditions of parole, they shall also be given a copy of the CDC Form 1570, Guidelines to Parole, and a copy of the communication packet from the Deputy Director, P&CSD, and the Chairperson of the BPT.

#### **74070.16 Release Statement and Clothing Authorization**

Prior to releasing an inmate to either discharge or parole, the C&PR of the releasing institution or the appropriate CC-I shall have a CDC Form 102, Clothing Room and Accounting Office, prepared with the assistance of the releasee.

Upon release, the inmate/releasee shall sign the CDC Form 102, acknowledging receipt of cash, check, and/or clothing, or any combination thereof.

Distribution of this form is printed thereon.

#### **74070.17 Release Clothing**

Inmates should be encouraged to supply all or a portion of their release clothing.

Institutions may offer alteration services on garments privately furnished for release purposes.

State-issued release clothing shall be kept to a minimum.

Any state-issued release clothing shall be charged against the inmate's release allowance.

#### **74070.18 Transportation**

All transportation to the desired location shall be arranged by the institution.

Funds for the transportation are derived from the inmate's release budget.

Family or friends who wish to meet the parolee at the institution shall be instructed to write or telephone the institution several days prior to the scheduled release, confirming their intent and indicating their time of arrival.

The Parole Agent shall indicate on the parole release authorization if the parolee plans to travel from the institution by private transportation.

#### **74070.19 Property Receipt Release**

The receiving and release sergeant shall complete the CDC Form 122, Property Receipt Release, on all inmates and distribute the form as follows:

- Original to the inmate.
- Copy to the Property Room.
- Copy retained by the Receiving and Release (R&R) Room.

#### **74070.20 Release Clearance**

Prior to physical release of the inmate, the CDC Form 162, Release Clearance, shall be prepared. It shall be taken by the inmate to various institution units for clearance.

When completed, it shall be returned to the releasing officer in R&R.

#### **74070.21 Check Out Order**

Prior to release of the inmate, records office staff shall prepare the CDC Form 161, Checkout Order, and arrange distribution as required by institution operations.

The following data shall be typed on the CDC Form 161:

- Date and time of release.
- Type of release.
- CDC number.
- Commitment name.
- Controlling Discharge Date.
- Name of parole unit and county of residence.
- Parole region.
- Length of parole period.

#### **Audit**

The CDC Form 161 shall be typed by clerical staff. As part of the prerelease audit, the release information on the form, shall be verified at a level not less than that of a Case Records Specialist as the form is used by the institution as the source document for OBIS input and therefore, its accuracy determines the accuracy of parole information in OBIS.

Staff at a level not less than Case Records Specialist shall sign the CDC Form 161 as the preparer after completing the prerelease audit of the C-File.

The final approval of the release for the Wardens and the final signature on the CDC Form 161 shall be by staff at not less than the CC-III level.

#### **Forward**

After the inmate's release, a copy of the Checkout Order shall be forwarded by the facility records office to the assigned parole unit along with the rest of the release package.

The package of documents to be forwarded to the parole unit is to include the following:

- CDC Form 102, Release Statement and Clothing Authorization.
- CDC Form 1515, Conditions of Parole.
- DOJ, Notice of Registration Requirements.
- Copy of CDC Form 161, Warden's Checkout Order.
- CDC Form 138, Fingerprint Card(s).

After receipt and review of the CDC Form 161 by parole unit staff, if corrections are required, a completed CDC Form 1506, Notice of Transfer/Correction, shall be submitted to the Regional Records Office. After the OBIS data has been corrected, the CDC Form 1506 is to be destroyed.

#### **74070.22 Registration Requirements**

PC 290(b), PC 457.1(c), and H&SC 11590, mandate that officials in charge of the place of confinement shall inform the inmate of their registration requirement if convicted of certain sex, arson, and narcotics offenses upon their discharge, parole, or release.

Any inmate committed as a Mentally Disordered Sex Offender (MDSO) must register, even if the MDSO commitment was due to a seemingly non-sexual offense, e.g., arson, pursuant to W&I 6316.

#### **74070.22.1 Released On Appeal Bond**

Prior to release on appeal bond or release to out-of-state or federal custody, or to any other hold, the official in charge of the place of confinement shall inform inmates of their registration requirements pursuant to PC 290, 457.1 and/or H&SC 11590.

Inmates taken out-to-court who are subject to registration shall have that requirement noted next to the release date on the Department's Detainer, e.g., "individual subject to registration requirements pursuant to PC 290 or 457.1 and/or H&SC 11590."

#### **74070.22.2 Interstate Compact Parolees**

*Revised January 4, 2006*

An inmate paroled to California from another state or a federal facility whose criminal history indicates any offense, which if committed or attempted in California would have been registrable pursuant to the above Sections, shall be informed of their duty to register by the Interstate Parole Unit.

#### **74070.22.3 CYA Ward Requirement**

Pursuant to PC 290, any juvenile paroled or discharged after January 1, 1986, who was made a ward of juvenile court and committed to the CYA for a specific sex offense is required to register.

A juvenile's duty to register for offenses adjudicated by a juvenile court shall terminate upon reaching age 25.

#### **74070.22.4 Civil Addicts**

Inmates committed to the custody of The Director under the Civil Addict Program are not required to register as narcotic offenders (W&I 3054).

#### **74070.22.5 Notifying Inmates of Duty to Register**

Staff shall notify inmates of their duty to register by requiring them to read and sign the SS Form 8047, Notice of Registration Requirement.

#### **74070.22.6 Refusal To Sign Notification Form**

If an inmate refuses to read and/or sign the SS Form 8047, staff shall order the inmate to comply with the law.

If the inmate refuses to obey the direct order, staff shall prepare a CDC Form 115, citing CCR 3005 (b), Conduct, Obeying Orders.

#### **74070.22.7 Registration Time Limits**

The requirement to register pursuant to PC 290 is ongoing, except as provided for juveniles and for persons who have obtained a Certificate of Rehabilitation.

Facility staff shall notify inmates of their registration requirements upon each discharge, parole, or release regardless of whether their records indicate that they were notified upon release from a previous commitment.

Staff shall notify inmates of their requirement to register pursuant to PC 457.1 only if they are currently being confined for that offense and ordered to do so by the court.

They shall be required to register for five years after discharge or expiration of parole on a first-time conviction and shall have a lifetime requirement for subsequent PC 457.1 convictions in which case the procedures described for PC 290 above shall apply.

Staff shall notify inmates of their requirement to register pursuant to H&SC Code 11590 only if they are currently being confined for that offense.

#### **74070.22.8 Residency Plans**

PC 290 and 457.1 and H&SC Code 11590 requires that the official in charge of the place of confinement shall obtain the address where the inmate expects to reside upon discharge, parole or release not later than 45 days prior to the scheduled release.

Notification forms shall then be distributed so as to be received by the appropriate agencies no more than 60 days and at least 30 days prior to the inmate's discharge, parole or release.

Residency plans may be unresolved in advance of the scheduled release.

Institution staff shall diligently attempt to obtain address information, but if the address cannot be established, staff shall enter "No Address Known" on the notification form and shall ensure that the parole unit's address and telephone number are included on the form.

If prior to release the address becomes known, staff shall expeditiously notify the agencies to which the form was sent. The SS Form 8047 must be completed in all respects, signed and a copy given to the inmate at the time of their release with a copy placed in the C-File.

#### **74070.22.9 Distribution of Notices**

Copies of the SS Form 8047, shall be distributed by the institution as follows:

- Goldenrod original:
  - To DOJ, Registration Unit.
- Yellow Copy:
  - To police department or Sheriff's Office where the person will reside.
- Blue Copy:
  - To DA's Office where case was prosecuted.
- Green Copy:
  - To the court of conviction.

*Note:* Blue and Green copies not required for PC 457.1 or H&S Code 11590 registrations. Discard.

- Pink Copy:
  - To Parole Agent in unit of supervision.
- White Copy:
  - To the inmate.
- One additional photocopy:
  - To C-File.

#### **74070.23 Release Allowances**

Inmates that have served in excess of six months shall be given a total of \$200.00 cash, minus the cost of release clothing and public transportation to the release program.

This provision is not applicable if the inmate is released to the custody of another state or to the custody of the federal government.

Payment of any remaining balances of release funds shall be forfeited by the parolee who willfully absconds after release on parole.

#### **74070.23.1 Mental Health**

Inmates paroled to DMH are entitled to release funds.

Those inmates transferred to and subsequently paroled from DMH shall be provided release funds from the "hub" institution.

- CMF is the hub institution for northern state hospitals.
- CMC is the hub institution for southern state hospitals.
- CIW is the hub institution for all female inmates in mental hospitals.

#### **74070.23.2 Work Furlough**

A furlougee may receive advances of up to \$100 of the \$200 total release funds.

- A furlougee subject to PC 1168 who is returned to the institution and whose parole date is rescinded shall receive an amount of release funds determined in part by the amount of time served after rescission.
- A furlougee who serves six months or more after rescission shall receive \$200.
- A furlougee who serves less than six months may receive up to \$200 with the specific amount subject to the Parole Agent's decision.

- A furlough subject to PC 1170 who is returned to the institution for administrative reasons shall receive \$200, minus any amount previously advanced during work furlough.

Repayment of program costs, such as food and rent provided by the facility, must come from sources other than the release funds advancement.

#### **74070.23.3 Releases To USINS**

Inmates released to the custody of immigration authorities for the purpose of deportation shall not receive any release funds unless it is subsequently determined they will not be deported. Funds shall be disbursed by the Parole Agent.

#### **74070.23.4 CYA Awards**

Wards of the CYA released in-state shall be given a maximum of \$10 cash, transportation expenses and, if necessary, up to \$20 worth of clothing for which cash cannot be substituted.

If a ward is being released to an independent placement, a maximum of \$25 cash may be given.

To ensure that the ward received the \$25 for an independent placement, the placement report shall clearly indicate that the ward is being independently placed. Funds may come from the ward's trust fund money if it was not earned for work in an institution and the ward gives his/her authorization (per W&I Code 1752.81) or from institution support funds.

#### **74070.23.5 Disbursements of Funds**

It may be appropriate to give the inmate a portion of the release allowance as they depart from the institution with the remainder sent to their Parole Agent to be given to them within 60 days of the inmate's release date.

This disposition shall be specified in the parole release authorization.

Inmates released to the custody of another state or to the federal government shall not receive a release allowance.

Inmates released to the jurisdiction of a city or county are eligible for release allowance.

#### **74070.23.6 RTC Allowances**

All parole violators assessed revocation time by the BPT are entitled to receive release allowance funds.

RTC's or Civil Addict Out-Patient Returnees serving six consecutive months or more shall, upon subsequent release from confinement, be provided \$200 in release allowance monies (less cost of release clothing and public transportation).

RTC's or Civil Addict Out-Patient Returnees serving less than six months shall be granted a pro rate share of the allowance of \$1.10 for each day or part thereof in custody on revocation status not to exceed \$200.

If the person is serving a local concurrent sentence that exceeds the BPT-ordered revocation time, the monies shall be granted to the inmate only upon completion of the local concurrent term and subsequent release from jail.

Parolees serving local jail sentences and who have not had their parole revoked by the BPT do not qualify for the release allowance. These cases shall be provided out of P&CSD assistance funds.

#### **74070.24 Daily Parole FAX**

Prior to noon each workday, the institution CCRM will transmit a FAX to each parole region, giving the number, name, region, and unit code of persons released on parole the previous day.

#### **74070.25 Material Forwarded To Parole Unit**

When an inmate is released on parole, the following items shall be forwarded to the appropriate parole unit:

- Any correspondence and progress reports.
- A copy of the Notice of Registration if required.
- A copy of Notice and Conditions of Parole.
- A copy of CDC Form 102, Release Statement and Clothing Authorization.
- Any recent medical, psychological, or psychiatric reports.

On re-parole cases, parole supervision reports, BPT reports, parole account records, and readmission summaries shall also be contained in this folder. Where applicable, a copy of the Notice of Registration form required under PC 290 shall be included.

The CCRM shall ascertain that the revocation release date and the new DSL discharge date are posted to the CDC Form 112 on re-parole cases.

#### **74070.26 Records Forwarded To Regional Offices**

Immediately following notification of the release of each inmate, all facility records including medical records, except the inpatient hospital chart and X-rays, shall be forwarded to the facility records office.

The Records Office shall forward the complete file on the parolee to the appropriate region no later than ten working days after release.

Any material received after the records have been forwarded shall be reviewed by a supervisor and only critical case information shall be sent to the regional records office as miscellaneous mail.

#### **74070.26.1 Disposition Released to Custody**

The complete file of parolees released to custody shall be forwarded to the appropriate regional office as follows:

- **Paroled to California Detainer.** The complete file shall be forwarded to the region in which preparole referral was accepted.
- **Paroled to a California County Sheriff Pending Extradition.** These are cases in which the inmate is fighting extradition. The complete file shall be forwarded to the region in which the preparole referral was accepted.

The regional reentry coordinator of that region shall be contacted and advised of the release to custody so the matter can be followed by the assigned Parole Agent.

Upon extradition, the case shall be transferred to the Interstate Unit in accordance with established transfer procedures.

- **Paroled to Local Sheriff for Pick-Up by Another County or State.** These are cases in which the other agency could not arrive at the institution on the release date. In California cases, these records shall be forwarded to the region of referral.
- **Parole to U.S. Marshal or USINS.** The complete file shall be forwarded to the region of referral.

#### **74070.27 Certificate Of Discharge**

A CDC Form 163, Certificate of Discharge, shall be prepared by the Records Office, extracting necessary data from the C-File for all inmates/parolees whose legal jurisdiction of the Department has been terminated either by expiration of maximum term or expiration of the BPT's term.

One CDC Form 163 shall be prepared. The form shall provide the following information only:

- Dischargee's departmental identification number.
- Dischargee's legal commitment name.
- Dischargee's official date of term(s) expiration.

#### **74070.27.1 Facility Distribution**

The CDC Form 163 shall be given to the inmate prior to departure from the facility.

#### **74070.27.2 Parole Distribution**

The Regional Records Office shall forward the CDC Form 163 to the parole unit for transmittal to the parolee. The Parole Agent shall mail the certificate to the parolee after the discharge date.

#### **74070.28 Exchange Of Prisoners**

GC 12012.1 allows the Department provisions for inmates who request transfer to their own country to complete a prison sentence.

Refer to DOM 62040 for criteria and referral procedures.

#### **74070.28.1 Case Records Responsibilities**

Upon an inmate's transfer to a federal prison prior to transferring to a foreign country, the CCRM shall post to the CDC Form 112, "Transferred to (name of federal prison) for verification hearing pursuant to Treaty on the Execution of Penal Sentences."

When notified that the inmate has actually transferred to the foreign country, the CCRM shall:

- Enter on the Daily Report of Arrivals and Departures "Discharged effective date; transferred to (name of foreign country)."
- Post discharge on CDC Form 112.
- Forward all records to the nearest regional parole records office for microfiche and subsequent transfer to the Archives Unit.

#### **74070.29 Revisions**

The Deputy Director, Institution Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

#### **74070.30 References**

CCR (15) (2) and 3.

GC § 12012.1.

H&SC § 11590.

PC §§ 290, 457.1, 2690, 2692, 2713, 2974, 3000, 4755, 11175 - 11179.

W&I §§ 1752.81 and 3054.

### **Sections Of Offense Codes Requiring Registration Under PC 290**

#### **PC Sections**

220	Assault with intent to commit rape, sodomy, oral copulation, or 264.1, 288, or 289.
261(1)	Rape where person is incapable because of mental disease, defect of disorder or because of physical disability of giving legal consent.
261(2)	Rape by means of force or fear.
261(3)	Rape where person prevented from resisting by intoxication, anesthetic or controlled substance.
261(4)	Rape where a person is, at the time, unconscious of the nature of the act.
261(6)	Rape where the act is accomplished against the victim's will by threatening to retaliate in future against victim or any other person.
264.1	In concert with another person, committing by force or violence acts as described in 261 or 289.
266	Inveiglement or enticement or unmarried female under 18 for purposes or prostitution, etc.; aiding and abetting; procuring female for illicit intercourse by false pretenses.
267	Abduction of person under 18 for purpose of prostitution.
272	Causing, encouraging or contributing to delinquency of persons under 18 years because of any offense involving lewd and lascivious conduct.
285	Incest.
286	Sodomy.
288	Lewd and lascivious acts with child under age 14.
288A	Oral copulation.
289	Penetration of genital or oral openings by foreign

- object, etc.
- 314(1) Indecent exposure (before 1961, PC 311.1)  
(felony conviction only.)
- 314(2) Procures, counsels, and assists any person so to  
expose himself, (before 1961, this was PC 311.2)
- 647(D) Loitering in or about any toilet open to public for  
the purpose of engaging in or soliciting any lewd  
or lascivious or any unlawful act.
- 647A Annoy or molest child under 18.
- 290(d) Persons discharged or paroled who were  
adjudicated a ward of the court pursuant to W&I  
602, shall be subject to registration because of the  
commission or attempted commission of the  
following offenses:

**PC Sections:**

- 220
- 261(2)
- 264.1
- 286(1)(b)(c)(d)
- 288
- 288a(1)(b)(c)(d)
- 289(a)
- 647a (repealed 1-1-88)

**W&I Section**

- 6316 Commitment as a mentally disordered sex  
offender (before 1970, this was W&I 5512 sexual  
Psychopath).
- Conviction Of These Charges Are No Longer A Registrable Sex  
Offense.[People V. Reed (1983) 33 Col. 3d 914]
- 647(a) Who solicits anyone to engage in or who engages  
in lewd or dissolute conduct in any public place  
or in any place open to the public or exposed to  
public view.
- 647.5 Old code for lewd vagrancy (before 1961)
- Conviction Of This Charge Is No Longer A Registrable Sex Offense.  
[People V. King (1984) 157 Col. App. 3d 555] 4 Crim No. 17470.
- 314.1 Indecent exposure, misdemeanor conviction only  
(before 1961 this was PC 311.1)

**Sections Of Offense Codes Requiring Registration Under**

H&SC 11590

**H&SC Sections**

- 11350 Unlawful Possession of Controlled Substance.
- 11351 Unlawful Possession for Sale.
- 11352 Unlawful Transportation, Sale, Administration,  
etc.
- 11353 Inducement of Minor's Violation, etc., Pursuant to  
Agreement, etc.
- 11354 Unlawful Sale, Transportation, etc., Pursuant to  
Agreement, etc.

**Felonies only**

- 11357 Unlawful Possession of Concentrated Marijuana.
- 11358 Unlawful Planting, Processing, etc.
- 11359 Unlawful Possession Marijuana for Sale.
11360. Unlawful Transportation, Importation, Sale or gift  
of Marijuana
- 11361 Unlawful Employment of, or Sale to, Minor etc.
11363. Opening or Maintaining Place for Unlawful  
Purpose
11368. Forging, Altering, etc., Prescription
- 11550 Prohibited Using, or Being Under Influence of,  
controlled Substance.

## ARTICLE 21 — PAROLE PROCEDURES

*Effective September 12, 1989*

### **75010.1 Policy**

Pursuant to PC 3000, sentences pursuant to PC 1168 or 1170 shall include a period of parole unless it is waived by the BPT .

### **75010.2 Purpose**

The purpose of this section is to provide the procedures for processing cases after inmates are released on parole.

### **75010.3 Audit and File Procedures**

Cases are received either upon parole from a facility or upon inter-regional transfer. Cases released directly to parole from court [PC 1170(a)(2)] are forwarded from the Legal Process Unit (LPU) after processing.

Records received for each parolee shall be reviewed for accuracy of content and compliance with all legal and policy requirements by the CCRM within the Department.

The CCRM shall ensure accuracy of content and compliance with all legal and policy requirements of each case record in their region and ensure that records are received for each parolee.

The CCRM shall ensure that the complete C-File is audited, including:

- Verification of calculations for parolee-at-large (PAL) revocation time on CDC Form 112, Chronological Inmate History.
- Check for registration requirements and PC 3058.6 and 3058.8 notices.

If a file is received that does not reflect the correct discharge date or a court document is received amending the term or credits; or at-large time is applied, a change of CDC Form 683, Discharge Date Notification, shall be prepared and disseminated. See DOM 75010.14.2 for distribution of forms.

#### **75010.3.1 CDC Form 144, Control Card**

The CDC Form 144, Control Card, shall be updated and filed alphabetically according to the controlling discharge date (CDD) or discharge revised date (DRD) whichever is earliest on each case. Information posted to this card shall be posted in pencil.

On PAL cases, the CDC Form 144 shall be removed from the active file and placed in a separate section. These control cards shall be filed alphabetically.

### **75010.4 Direct Release to Parole From Court**

Refer to DOM 72020, Initial Intake Procedures, and DOM 81010, Release Procedures and Conditions for Parole, for information on processing cases released directly to parole by the courts.

### **75010.5 Outgoing Cases**

Cases are transferred from regions by:

- Case transfer to another region.
- Parole violation and return to prison.
- Discharge by the BPT or court order.
- Expiration of sentence.
- Death.
- Pardon.
- Commutation of sentence.

See DOM 71020 for processing after discharge.

#### **75010.5.1 Transfer To Another Region**

The transfer of a case from one region to another or one unit to another, within the region, is initiated by the Parole Agent completing a CDC Form 1506, Notice of Transfer. The original shall be sent to the sending region by the unit office.

The transfer shall immediately be entered into OBIS.

#### **Case Records**

The original CDC Form 1506 shall be placed in the C-File and the C-File shall be shipped immediately to the receiving region case records office.

### **75010.5.2 Transfer To Department/Mental Facility**

*Revised March 16, 1995*

Refer to DOM 75010.14.3 for procedures on processing parole violators returned-to-custody (PRTC) or DOM 75010.14.4 with new term.

C-Files for parolees placed in mental institutions shall be retained in the respective parole region's case records office until final disposition of the case.

Within three days after being advised of a parolee's return to a Department institution the C-file and satellite records shall be forwarded to the institution of confinement.

#### **75010.5.3 Preparation of Files for Transfer**

Prior to transfer of a C-file:

- All loose material shall be properly filed and fastened down.
- Duplicate material shall be purged.
- The CDC Form 112 shall be current and audited for completeness and accuracy.

A copy of the CDC Form 611, Release Program Study (RPS), and any report to the BPT following release shall be retained in chronological order most recent on top in the parole section of the C-file.

A CDC Form 134, Records Transfer Check Sheet, shall be completed in duplicate, showing date records are shipped and each case shall be listed by number and name. Retain one copy for reference, and place one copy in each package of files, indicating which cases are enclosed.

#### **75010.6 Parole Violations/Regional Hearing Calendar**

A CDC Form 1521(A), (B), (C), and (D), Parole Violation Reports, are prepared in the parole unit by the Parole Agent and sent to regional case records. These reports shall be received by the eighth working day following arrest/hold/discovery.

##### **Regional Screening**

For all cases, except PAL or psychiatric attention to be screened by the BPT at the regional office, case records staff shall prepare the following:

- BPT Form 1104, Summary of Revocation Division: Hearing Waived/Screening Offer.
- BPT Form 1116, Eligibility of Parolees for Worktime Credit.
- BPT Form 1132, Headquarters Calendar Control Log.

The cases shall be presented to the BPT by the tenth working day from the date the hold was placed on the parolee.

If parole has previously been suspended/PAL, the case shall require a BPT Form 1130, Headquarters Calendar Decision, if "reinstate" action is taken by the unit supervisor.

After the BPT makes a screening offer or takes an action to schedule for a revocation hearing on the BPT Form 1104, case records staff shall notify the revocation unit of the results for service or the acknowledgment of the offer to the parolee. A copy of the BPT Form 1104 shall be sent to the BPT at this time.

If the parolee signs the Waiver of BPT Form 1101, Revocation Hearing, requesting a revocation hearing, the BPT shall schedule a hearing. The hearing panel may take an action based on their findings on the BPT Form 1103, Summary of Revocation Hearing and Decision. Upon receipt of the BPT Form 1103, case records calculate revocation time, posting the CDC Forms 112 and 144 accordingly.

##### **Waiver of Revocation Hearing (Unconditional)**

If the unconditional waiver is signed, BPT Form 1101, the documents shall be forwarded to the case records for calculation of the revocation time and the posting of CDC Forms 112 and 144.

A parolee undergoing criminal prosecution may waive a revocation hearing but retain the option to request a hearing at a later date.

##### **Waiver Of Revocation Hearing (Optional)**

When a parolee has signed an optional waiver, BPT Form 1101, the case shall be submitted to the BPT by case records, accompanied by the BPT Forms 1104, 1116, and 1132 for determination whether there is good cause to revoke parole. The determination shall be made without a hearing or personal appearance by the parolee.

Upon receipt of a signed BPT Form 1104 revoking parole, case records shall make the appropriate calculations and post the CDC Forms 112 and 144 accordingly.

The parolee may request a revocation hearing no later than two months prior to the expiration of the revocation period or after adjudication of pending charges. Upon receipt of a hearing request, the BPT shall schedule a revocation hearing. The hearing panel may take an action based on their finding on the BPT Form 1103, but shall not order the parolee returned to custody for a greater period than previously ordered. Upon receipt of the BPT Form 1103, case records shall calculate the revocation time and post the CDC Forms 112 and 144.

See DOM 75010.14.2 for distribution of reports and forms.

#### **75010.7 Parole Violations/Headquarters Calendar**

When the initial PAL report(s) or PAL review report(s) are sent to regional case records from the unit office, a BPT Form 1130 shall accompany it.

A daily BPT Form 1132 shall be prepared by case records and include each of the following:

- Parolee's departmental identification number.
- Parolee's name.
- Type of report submitted.

##### **75010.7.1 Material Forwarded To BPT**

*Revised December 24, 1992*

The original BPT Form 1132 shall be sent by first-class mail or messenger to the BPT Headquarters' calendar and shall include a packet of material for each parolee. The packet shall contain and be assembled as follows:

- One copy of the CDC Form 600, Wanted Persons System Notification-Addendum, prepared only for initial PAL report.
- One copy of Parole Agent's report.
- BPT copy of permanent addenda if requested by the unit.
- BPT Form 1130 (no copy placed in C-File until signed by BPT).

##### **75010.7.2 Results Of Headquarters Calendar**

When the BPT returns the BPT Form 1132 and the signed BPT Form 1130, case records staff shall review the BPT Form 1130 and post each action to the CDC Forms 112 and 144 if applicable.

#### **75010.8 Revocation Hearings**

*Revised December 24, 1992*

##### **Regional Hearing Coordinator**

##### **Technical Violation**

The Regional Hearing Coordinator shall follow the procedures set forth in DOM 84000 for scheduling and conducting revocation hearings.

A Revocation Hearing should be held within 45 days of parole hold or discovery of parole violation pursuant to BPT Rule 2640(1)(f). A technical violator may be returned and placed in a departmental facility pending a Revocation Hearing.

##### **75010.9 Revocation Extension Hearings**

*Revised December 24, 1992*

The BPT may assess additional revocation time for parolees in RTC status who commit law violations or a serious jail or CCR (15) (3) violation.

##### **RTCs in Department Facilities**

Violations committed by parolees in RTC status in Department facilities shall be handled by Department staff (CDC 115s) as specified in DOM 52080.

### **RTCs in Nondepartment facilities**

P&CSD staff shall handle violations committed by parolees in RTC status in local custody.

The specific procedures for initiating/processing a BPT Form 1135-A, Report of In Custody Misconduct, are contained in DOM 84000.

When the unit supervisor submits the BPT Form 1135 and the BPT Form 1135-A, the case records staff shall prepare a BPT Form 1104, BPT Form 1116, and a BPT Form 1132 before presenting the package to the Regional Hearing Officer calendar. After the BPT makes an offer or takes an action, the case records staff shall notify the revocation unit of the results for service of the offer to the parolee.

- Recalculate the revocation release dates accordingly if the BPT extends a revocation period.
- Post the BPT action to the CDC Form 112.
- Post the CDC Form 144 card if the Revocation Release Date (RRD), Projected Revocation Release Date (PRRD), Controlling Discharge Date (CDD), and/or the Projected Controlling Discharge Date (PCDD) change.
- Update OBIS with new RRD.

See DOM 75010 for form distribution.

### **75010.10 Discharge Review**

*Revised March 16, 1995*

Discharge reviews shall be conducted on parolees whose offense occurred on or after January 1, 1979. Discharge review schedules and procedures are specified in DOM 81080.

The Discharge Review Report from the Parole Agent must be received in the case records office within 20 calendar days of the discharge review date. Case records staff shall submit the case to the BPT Regional Screening Calendar for decision at least 20 days prior to the appropriate calendar anniversary date.

Following the BPT action, the results of the hearing shall be forwarded to the parolee by the Parole Agent.

### **Retain on Parole**

If a retain-on-parole action is taken, the discharge review date shall be extended for one year unless it exceeds the CDD or is stated differently in the BPT action.

### **Discharge**

If a discharge action is taken, the effective date will be at least 15 days from time the discharge is granted or otherwise specified by the BPT. A CDC Form 163, Certificate of Discharge, shall be prepared by case records and mailed to the Parole Agent for delivery to the parolee.

### **Posting Discharge and Review actions**

Case records staff shall post the discharge or new discharge review dates on:

- The CDC Form 112.
- The CDC Form 144 card.

### **75010.11 Emergency Actions**

The parole unit may request various "emergency" actions from the BPT through the case records office.

The unit supervisor shall contact records by telephone and dictate a brief, concise report and the requested BPT action.

Case records staff shall type the report on a BPT Form 1135 and Omnifax it to the BPT for action.

Requests, other than PAL, may be acted on at the region if a BPT Deputy Commissioner is present. Otherwise, the request is to be FAXed to BPT Headquarters.

Upon receipt of the BPT action, case records shall notify the unit supervisor by phone of the action taken. The CDC Forms 112 and 144 card shall be posted accordingly. The BPT Form 1135 shall be filed in the C-File.

### **75010.12 Emergency Psychiatric Attention Cases**

Emergency psychiatric treatment cases may be returned to a facility for treatment upon written authorization of the BPT and acceptance by facility medical staff.

### **Regional CCRM**

- The regional CCRM shall telecopy the BPT Form 1135 to the facility CCRM.
- Inform the parole unit staff the results of the BPT action.
- Forward the C-File to the facility in accordance with DOM 75010.14.3.

A parolee may be returned for psychiatric attention for the maximum period (six months or one year) to allow treatment by medical staff (refer to DOM 73030.16.7).

- The time starts upon date of hold or date of arrest if parole was previously suspended.
- Clinical services staff shall notify the C&PR or appropriate counselor when a parolee's psychiatric condition has improved enough to warrant BPT consideration of release from psychiatric return placement.
- The parolee may be released at an earlier date than specified at the revocation hearing if their psychiatric condition improves.
- The C&PR shall submit a BPT Form 1135 to the BPT recommending a release date at least ten working days in the future to allow sufficient time for the Parole Agent to finalize details of the release program.

### **75010.13 Special Regional CCRM Responsibilities**

The regional CCRM shall:

- Review all BPT actions to ensure appropriate decisions have been made by the hearing panel.
- Return of pertinent documents to the Headquarters Calendar for clarification and/or correction in cases where inappropriate actions were taken.
- See that all computations are completed and posted accordingly.
- See that BPT actions are posted to CDC Forms 112 and 144 (if applicable).

#### **75010.14 Records Functions After BPT Decisions**

Case records staff shall process cases after BPT hearings.

##### **75010.14.1 Time Computations**

The appropriate CCRM shall compute the RRD, PRRD, if eligible to earn work time credits, PCDD (if applicable), CDD, and DRD in accordance with the BPT order. For time computation see DOM 73030.16 et al.

Time during which parole is suspended because the parolee has absconded shall not be credited toward period of parole pursuant to PC 2900(c)(1). The revocation period of parole starts from the date arrested/date hold is placed/date available for return to California from out-of-state.

When revocation of parole extends the period of parole, the recomputed PRRD (if applicable), RRD, PCDD (if applicable), CDD and DRD shall be posted to the first page of the BPT Form 1103; or BPT Form 1104, top right corner, prior to distribution.

##### **75010.14.2 Distribution of Reports and Forms**

The original of all board reports and BPT decision forms shall be filed in the C-file.

The below listed forms shall be distributed by case records staff, as follows:

- BPT Form 1101, Waiver of Revocation Hearing.
  - Parole agent.
  - Parolee.
  - BPT, immediately after parolee signs the form.
- BPT Form 1103, Summary of Hearing.
  - Parole agent.
  - Parolee.
  - Research, accompanied by current CDC Form 112.
- BPT Form 1104, Summary of Revocation Decision, Hearing Waived.
  - Parole agent.
  - Parolee.
  - Research, accompanied by current CDC Form 112.
- BPT Form 1116, Eligibility of Parolees for Worktime Credit.
  - Parole agent.
  - Parolee.
- BPT Form 1130, Headquarters Calendar Decision.
  - Parole agent.
  - Parolee.
  - BPT, if action taken by unit supervisor to "reinstate".
- BPT Form 1132, Headquarters Calendar Control Log.
  - Retained in the Log File.
- BPT Form 1135, Miscellaneous Decisions.
  - Parole agent.
  - Parolee.
- BPT Form 1135A, Report of In-Custody Misconduct.
  - Parole agent.
  - Parolee.
- CDC Form 683, Change of Discharge Date Notification.
  - Parole agent.
  - Parolee.
  - Offender Information Service Branch.
- CDC Form 1521 (A, B, C, and D), Violation Report.
  - Research, accompanied by current CDC Form 112.

##### **75010.14.3 Processing Of Cases Ordered Returned To Custody**

When a parole violator (PV) is received at a PVs' processing unit the CCRM shall:

- Identify the PV and send a FAX to the appropriate region indicating the subjects Name and CDC number.

Upon notification from the PV processing units of the receipt of PVs, the regional CCRM shall:

- Within three working days ship the C-file by courier service to the institution receiving the parolee.

If a parolee reaches their statutory discharge date while pending adjudication of criminal charges, the case shall be discharged.

##### **75010.14.4 Revoked Parolees With New Commitments**

Revoked parolees who were on parole for a non-life commitment and are returned with a new commitment shall not be discharged automatically.

###### **Reception Center PV Unit**

The prior commitment shall be discharged only if the RRD and the parole have been revoked. If the release date for the new commitment is later than the RRD, case records shall discharge the former term. If the RRD is later than the release date on the new commitment, the case shall be presented to the BPT on the Miscellaneous Proceedings Calendar for a decision on whether or not to discharge the prior commitment.

#### **75010.15 Discharge**

The procedures in DOM 71020.5.4 through 71020.5.8 shall be followed.

##### **75010.15.1 Deaths**

Upon the death of a releasee/parolee a copy of the following shall be obtained and placed in the C-file:

- Death certificate.
- Closing case summary.
- In some cases an autopsy report or certification by the Parole Agent that the death certificate was reviewed.

The CCRM shall post the CDC Form 112 as to the date and the notation "deceased". This officially closes actions on the CDC Form 112 and the file shall be closed. The procedures in DOM 71020.5.4 through 71020.5.8 shall be followed. Files shall be microfiched; however, those involved in litigation shall be retained in the regional records office until litigation is completed.

Case records staff shall make the entry into OBIS.

##### **75010.15.2 Pardons And Commutations**

Pursuant to PC 4800 and Article V of the State Constitution, reprieves, pardons and commutations are granted by executive authority of the Governor.

Investigations and reports related to such actions are prepared by BPT staff as provided in PC 4810 and 4812. Notices of executive clemency actions are transmitted by the Governor's Legal Affairs Secretary to the BPT. The case records office is notified with data furnished for records keeping and necessary departmental action by the BPT.

When a pardon or commutation terminates the sentence, this acts as a discharge on Department records. The date the pardon or commutation is granted and by whom is posted to the CDC Form 112, and entered into OBIS. The file shall be closed following procedures in DOM 71020.5.4 through 71020.5.8.

##### **75010.15.3 WICC/ICC/Federal Contract Cases**

In some instances parolees may have completed their California parole while remaining under departmental jurisdiction in accordance with WICC/ICC/Federal contract. The following procedures shall apply in these cases:

- Upon expiration of the period of parole on the California term, the parolee shall be discharged on the California term(s) and remain on the contract case only.
- A new departmental identification number shall be issued. Routine identification and intake procedures shall be followed (See DOM 72020).
- A new CDC Form 188 shall be prepared indicating that the inmate is a WICC/ICC/Federal contract case only. This shall be attached to the old cumulative case summary and placed in the new C-File.
- All correspondence and reports shall reflect the new number and be filed in the new file.
- The old C-File and related records on the discharged California term shall be microfiched and forwarded to Archives. The contract case records shall be forwarded to Archives upon discharge.

#### **75010.16 PC 969(b) Certifications**

*Revised March 16, 1995*

Due to the involvement of parole cases in criminal and civil actions, the case records office is required by law to furnish certified copies of various departmental records to county and court officials. Under PC 969(b), certifications constitute proof of a prior felony conviction. The DA of any county or the prosecuting authority of jurisdictions in other states or from the federal level, or Alcohol, Tobacco and Firearms may request a "PC 969(b) certification."

These requests are either sent directly to the Identification (ID)/Warrants Unit who shall forward them to the appropriate region. In response to California requests, a photocopy is made of the fingerprint card, each abstract of judgment pertaining to the case, CDC Form 112, Chronological History, and photo. A certification letter is prepared by the CCRM, as the custodian of records, and is typed, signed and sealed. Each of the documents shall also be signed and sealed. The material is then forwarded to the requesting office.

In response to requests from out-of-state, the above material, excluding certification of the records shall be prepared and forwarded to headquarters records for processing. Materials shall not be stapled together but paper clipped. It is imperative that a photocopy of the fingerprint card be made and included in this material. If a fingerprint card is not available, a request for a certified copy shall be directed to State DOJ. When received, it, along with the above material, shall be forwarded to headquarters records.

##### **Exemplified Certifications**

CCRA shall have the records exemplified by the local court and process the documents to the requesting state.

Records on discharged persons are retained in the Archives Unit at CMF. Requests for certified copies of discharged records as provided in PC 969(b) shall be sent to CMF. Such requests shall contain the date on which the person was discharged. It is imperative that the Archives Unit include a photocopy of the fingerprint card with the discharged records. If none is available, a request for a certified copy shall be directed to State DOJ. When received, it, along with the other discharged records material shall be forwarded to the office requesting such records.

##### **75010.16.1 Miscellaneous Certifications**

*Revised March 16, 1995*

The Department is required at various times to furnish certified copies of departmental records as ordered by subpoena or as established by intra-agency relationships. Certification statements shall be stamped, typed, or written on each copy prepared, and certification letter may be typed separately and attached to all the copies. A notation is made in the C-File of compliance, with the request. The certification is then signed, sealed, and forwarded to the requesting agency.

#### **75010.17 Application Of Court Decisions**

All cases are reviewed at various times and primarily in preparation for BPT review to see that all court decisions affecting each case have been complied with and that the appropriate changes were made with notification sent to interested divisions.

##### **75010.18 Response To Subpoenas**

Refer to DOM 14010.

##### **75010.19 Revisions**

The Deputy Director, Institutions Division, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

**75010.20      References**

PC §§ 969(b), 4800, and 4812.

CCR (15) (2)

## ARTICLE 22 — CIVIL ADDICT COMMITMENTS

*Revised February 28, 1995*

### **76010.1 Policy**

The W&I provides for civil commitment to the Department of certain persons found to be addicted to the use of narcotics or in imminent danger of becoming addicted to the use of narcotics. Commitments are made by a Superior court pursuant to W&I 3050, 3051, or 3100.

The NAEA Board shall have the power to release to outpatient status/civil addict parole those individuals certified as having recovered from addiction or imminent danger of addiction pursuant to W&I 3150.

Reception and transfer of all persons committed as civil addicts shall be in accordance with classification procedures.

### **76010.2 Purpose**

The purpose of this section is to provide procedures for the processing, release or return of civil addict commitments.

It also establishes standard procedures for conducting required NAEA hearings and preparation of civil addict commitment reports.

### **76010.3 Commitments to the Civil Addict Program**

Commitments pursuant to W&I 3050 or 3051 indicate conviction of a crime or probation revocation and criminal proceedings have been suspended/adjudged and the individual found to be a narcotic addict or in imminent danger of becoming a narcotic addict.

#### **W&I 3050 and 3051**

Commitments pursuant to W&I 3050 indicate conviction in a Municipal or Justice court and certified by a Superior court.

Commitments pursuant to W&I 3051 indicate conviction in a Superior court.

Terms of these commitments are in accordance with W&I 3201(a). For offenses that occurred prior to July 29, 1980, the term is recorded as seven years pursuant to W&I 3201(a).

#### **W&I 3100**

Commitments pursuant to W&I 3100 may be involuntary or voluntary. If anyone believes a person is addicted to the use of narcotics or by repeated usage is in imminent danger of becoming addicted or any person who believes himself to be addicted or about to become addicted may report to the DA, who may petition the Superior court for commitment. Terms of commitment shall be recorded as 12 months pursuant to W&I 3201(b).

#### **Dual Commitments**

Departmental parolees under the jurisdiction of both the BPT (BPT, Board) and the NAEA are referred to as dual commitments. These persons have a commitment to:

- State prison as a result of a conviction while on outpatient/civil addict parole status.
- A civil addict program as a result of a conviction while on felony parole status.

### **76010.4 Male/Female Commitments**

All commitments must be accompanied by a certified copy of the Judgment and Commitment, Minute Order, and POR.

Registry of narcotics (N) numbers shall be issued by the ID/Warrants Unit.

Male civil addict commitments shall be accepted from court at:

- Reception center, CRC, Norco.
- Reception center, CMF.

Female civil addict commitments shall be accepted from court at the women's unit of CRC.

### **76010.5 Cumulative Case Summary**

Information compiled in the Cumulative Case Summary (Cum Sum) originates both inside and outside the institution and is prepared and placed in the following order by the following staff:

#### **Case Records Staff**

- Legal.
- Circumstances of commitment.
- Sentence data and offense.
- Prior commitments.
- CI&I SSCH.

#### **CC-I**

- Social history.
- Initial study.

#### **76010.5.1 Cum-Sum Face Sheet Composition**

The CDC Form 188L, Cum Sum Face Sheet, is the legal information section of the Cum Sum. This information is abstracted from the commitment documents received from the court. The legal data below "Received" through "Pre-confinement Credits" shall be recorded for each commitment.

Narrative of revised CDC Form 188-L is as follows:

- Name: The name on the original commitment document. (If two names are indicated on the commitment document and one is the "true name", then the "true name" shall be used.) Subsequent commitments, with different names, shall be recorded as "Also Committed As" (ACA).
- Birthdate: The subject's actual date of birth, no age need be shown.
- Birthplace: The state or the country of birth.
- Ethnicity: Subject's ethnic derivation.
- Received: The date subject was received in the Department for the specific commitment.

- **Commitment:** The total period of commitment as shown on the Abstract of Judgment or civil commitment document shall be recorded in years and months (In addition, the type of commitment shall be noted in parentheses: e.g., Indeterminate, SB 1878 or SB 176).
- **County:** The county of subject's commitment.
- **Custody Time:** The maximum amount of days a person may be retained in custody represents two-thirds of the total commitment including precommitment and postsentence credits.
- **Civil Case No.:** The case number on the civil addict commitment form which may, or may not, be the same as the criminal case number.
- **Program Expiration Date (PED):** The total commitment time added to the received date less the total precommitment and postsentence credits including conduct credit. It is also referred to as the commitment expiration date.
- **Section and Code:** The appropriate W&I section of the commitment.
- **Custody Expiration Date (CED):** The latest date a person can be retained in custody. This date changes once the person has been released to outpatient status (OPS) and must be recalculated when the person has been returned to custody. This date is calculated by adding the number of remaining custody days to the date the person was taken into custody. Custody expiration date cannot exceed PED.
- **PC 2900.5 Credits:** Credits granted by the court.
- **PC 4019 Credits:** conduct credits granted by the court.
- **Postsentence:** Credit administratively granted by the Department for time between date of sentence and delivery to the Department.
- **Total credits:** The number of credits applied to the term.

#### **Discrepancy in Credit**

Any discrepancy in credits granted by the court shall be referred to the Civil Addict Legal Process Unit (CALPU) located at CRC.

Information recorded below double line shall include:

- Date released to outpatient status and/or civil addict parole.
- Custody parole.
- Custody days remaining. The number of days subject may remain in custody less time spent in local custody, from date of hold, prior to return. This shall be computed by institution case records staff upon receipt of the records reflecting the number of custody days remaining as of date last received as an outpatient releasee to finish term (OPRTFT).
- Subsequent NAEA actions.
- Date received at CRC from outpatient and/or parole status (if applicable).
- PED is the latest date subject may remain in program for each commitment. This date is computed upon initial receipt of the commitment by institution case records staff. This date may only be increased by the number of days a person has been suspended, releasee-at-large (RAL) (if applicable).
- CED (if applicable).

#### **Civil Addict Parole Violator**

In the event the person is a civil addict parole violator, the maximum parole discharge date shall be recorded.

- **Maximum Parole Discharge Date:** The maximum eligible parole discharge date represents three years from date of original civil addict parole plus one year additional custody time. The date is computed upon receipt of records by CRC as Civil Addict Parolee Return.

#### **Bottom of Each Page**

Information recorded at the bottom of each page of the Cum Sum shall include the last name, first initial, number, civil addict program branch, date typed, and the corresponding correctional case records specialist (CRS) and typist's initials.

#### **EXAMPLE:**

JONES, B.N-00000      CRC-Norco      7/7/99      MSS/Ab

### **76010.5.2 Computation of Time**

Time runs from date of arrival at CRC or designated institution or to a civil addict program agent.

On civil addict commitments, time runs while under treatment and jurisdiction in a civil addict program designated institution or under supervision on outpatient status.

Maximum custody time on CRC commitment will be reduced by:

- Time spent in local custody on Our Hold Only (OHO).
- Time spent in local custody under a Hold (W&I 3151), except the period of time that represents the serving of a local sentence.

#### **Dead Time**

Time does not run under the following circumstances and is computed as "dead time":

- Time between date of escape and RTC.
- Time between suspension of outpatient status/parole and removal of at-large status.
- Time elapsed between court pick-up and return, unless the exclusion request is withdrawn.

Court ordered pick-ups from institution custody resulting from a reversal on appeal, the granting of a writ, and exclusion referrals shall act to discharge the case from all departmental records. Where the immediate result of the subsequent court proceedings is to return to the civil addict program, a new "N" number shall be issued. If another disposition is made and, at a future date, the case is recommitted to CRC a new "N" number will be issued. No credit is granted for time spent under the previous "N" number.

### **76010.5.3 Circumstances of Commitment - Sentence Data and Offense**

The circumstances and significant information regarding the criminal offense(s) shall be recorded as follows:

EXAMPLE: SENTENCING DATA AND FACTS:

CASE #A448113 CT1 BURG 2ND (459 PC) 6-30-80 (POR)

Subject was observed by witnesses exiting a burglarized residence carrying a colored television set valued at \$500.

CASE #A588055 CT1 BURG 2ND (459 PC) 7-6-80 POR)

The victim returned to her residence and found numerous items of her property stacked near the front door. Officers found subject hiding under a bed. Search of subject revealed two balloons of heroin.

The commitment information of discharged cases shall remain in the case summary until the person has been discharged on all cases.

**76010.5.4 CI&I Report**

The SSCH is provided by CI&I, at the request of the records office, after submission of CDC Form 138, Fingerprint Cards.

**76010.5.5 Social History**

The Case Summary [GA Form 2] is compiled by the counselor from available material and an interview with the resident. Each time the inmate is returned to the institution the case summary is reviewed and updated as needed to provide accurate information.

**76010.5.6 Initial Study**

A narrative report is compiled by the counselor discussing facts, or relationship between facts, which may be applicable to the treatment and controlling of the resident. A treatment plan is formulated from these assessments and evaluations:

**Employment Assessment**

This section responds to the questions:

- Does the individual have stable or sporadic work history?
- Do they claim work skills?
- If a member of a union, is the individual skilled at journeyman or apprentice level?
- If a welder, for example, are they certified, etc.

**Verify Employment**

Verification of prior employment is required through correspondence with former employers, indicating pay scale, future employability, etc.

- Does the individual need additional training to become employable?

**Education Assessment**

Highest grade completed.

- What is tested grade level?
- Considering age and claimed work skills, is General Education Development (GED) requirement appropriate?
- Does he/she require vocational or academic training?

**Note:** If the resident cannot read and/or write, the need for remedial education should be assessed.

**Drug/Alcohol Assessment**

Assessment as follows:

- Is the individual an alcohol abuser in need of Alcoholics Anonymous?
- Are there conflicts in the POR's and doctor's court report regarding drug use?
- Are they a poly-drug user?
- How old was the person when usage began?
- Are there specific concerns regarding drugs used?
- Are they in need of Narcotics Anonymous?

**Social Evaluation**

This section should speak to the individual's relationships with family members.

- Are there problem areas with any family members, including mother, father, siblings, wife, children, etc., which need to be resolved?
- Have any family members ever been incarcerated?
- If so, who and for what offense?

**Evaluation and Program Plan**

Considering the above factors, which program at CRC will best equip the individual for success on OPS/parole?

This area should include any special needs and/or problems, including any medical/psychiatric problems, exclusionary concerns, or legal concerns that would preclude the individual from participating in a particular program.

**Within 35 Days**

The program information shall be compiled within 35 days after the individual's reception.

Based on the information contained in this report, a recommendation shall be made as to what the person should accomplish while at CRC, the anticipated period of time needed to complete the program, when the program should be available, and whether the individual agrees to complete the program. Other factors that may be included are:

- Relationship of narcotic use to other criminal activity.
- Their associate in use, such as:
  - Siblings.

- Peers.
- Parents.
- Inconsistencies regarding the individual's narcotic usage between various reports such as:
  - The POR.
  - Court appointed medical examiner's report.

#### **Casework Follow Up**

Does the individual need to be referred to psychiatric services for violence potential evaluation? Is an initial field study in order? If a dual commitment, does the individual need to be scheduled for a BPT hearing? Are arrest reports needed? If no follow-up is necessary, indicate "none".

#### **76010.6 Miscellaneous Reports**

##### **Headings**

Centered at the top of the report should be the title of the report, usually phrased in terms of a particular decision-making recommendation. Examples of headings are:

- Referral to OPS/Civil Addict Parole.
- Annual Review.
- Closing Summary.

#### **76010.7 CDC Form 611, Release Program Study (RPS) Report**

CDC Form 611 reports shall contain the following sections and headings:

- Program Plan. One or more brief paragraphs which summarize appropriate program planning information as recorded on the Classification Chrono (CDC Form 128-G) and Initial Program Study. Note any program changes made that differ from the original recommendations on the Initial Program Study.
- Administrative Review. All levels of administrative review shall be chronological and include program changes, confirmation and exclusion review.
- Institutional Assignments. Summarize the individual's assignments during his stay in the institution. State specifically the duration of the assignment and grades received.
- Institutional Behavior/Response to Dormitory Program. Describe the individual's response to the above summarized treatment plan as it applies specifically to dormitory behavior and activities. Those activities may include Alcoholics Anonymous, Narcotics Anonymous, self-help groups and psychotherapy groups. Also included in summary form are all Rule Violations Reports (CDC Form 115); or Counselling Chronos (CDC Form 128-A) received. Major infractions of the rules will be listed individually.
- Evaluation. This section will analyze and evaluate the individual's progress in terms of the above factual information and the occasion for the progress review report. If a referral to release status is a part of the recommendation, then the appropriateness of the release plans which are contained in the following section shall be evaluated.

##### **Final Section of the Referral**

The final section of the referral describes residence and employment plans that have been developed by the individual.

##### **Residence Plans**

- List either "Parole Agent to develop near place of employment", or a statement describing the proposed residence, including address, telephone number, names, and relationships of those living therein. Alternative residence plans shall be included if there is a possibility that the first plan may be unacceptable.

##### **Employment Plans**

- List either "none" with an explanation as to the type of work preferred, the work skills possessed, and the community where employment is desired, or a statement covering the following:
  - Name of company and person's position making the employment offer, address and telephone number at which the Parole Agent can make contact, type of work and wage involved.
  - Other information related to the position offered that may be of help to the Parole Agent, such as length of prior employment experience, education, or vocational training and union status. The same type of information shall be listed for each separate employment offer or lead.

##### **Counselor's Comments**

- Include, when applicable, the plans and arrangements made by the resident to pursue academic or vocational training programs. Resources such as veteran's benefits or financial aid from some source should be included along with names, addresses and file numbers. All significant debts and anticipated child support or alimony payments shall be listed. Plans on how to meet these obligations shall be spelled out. Assets, such as money in institutional trust account, are to be listed.

##### **Legal Interests**

- Unresolved legal matters shall be listed and clarified, which may include welfare interest in the resident or their family; names, titles, telephone numbers, addresses, file numbers and other identifying information about each interested agency.

##### **Medical or Psychiatric**

- When community follow-up is indicated for either medical or mental disorders, these are to be identified and explained.

##### **Release Resources**

- List the name, relationship, and address on each significant person in the community if this information is not contained in an earlier section.

##### **Supplemental Evaluation**

- This evaluation shall be added as a current addendum summary to the program response summary and evaluation section when the NAEA decides that the referral of an annual review case is appropriate for release. This section shall be evaluated in terms of the prior recommendation and plans. Regarding prior appearance cases postponed by the NAEA, a current section addendum summary shall be added before the next NAEA appearance.

### **Signatures**

- The name and title of the counselor and supervisor are typed below the body of the report. Each shall sign the report above his/her name after review.

### **Prerelease**

- Prerelease case assessment and planning is accomplished by the assigned supervising Parole Agent who verifies the above information as viable release plans. The Parole Agent shall approve, modify or disapprove release plans, depending upon prior failures, successes, significant recent changes in community resources or plans that have not proven valid.

### **Signatures**

- The title of the assigned Parole Agent and unit supervisor are included on the proposed RPS, and each shall review and sign the report.

## **76010.8 Processing Dual Commitments**

When it is determined that a new civil addict commitment was on felony parole:

- The regional case records staff, upon notification of the civil addict commitment, shall immediately send the felony C-file to the records office at CRC.
- Within 60 days of arrival at CRC a determination shall be made by the classification committee to recommend retention in or exclusion from the civil addict program.

### **Retain in Program**

- If the decision is to retain in the program, an CDC Form 1502, Activity Report, shall be submitted to the BPT for possible discharge of the felony commitment.
- If the felony commitment is discharged, the subject shall remain under the jurisdiction of the NAEA. Refer to DOM 76010.8.1 for processing.

### **Exclude from Program**

- If CRC classification committee's decision is to exclude the person from the civil addict program, institution staff shall prepare an exclusionary letter referring the civil commitment back to the committing court, recommending vacation of commitment.
- If an outpatient/civil addict parolee is subsequently committed to state prison, P&CSD shall refer the civil addict commitment back to the committing court.

### **Unusual Dual Commitment**

If the decision is made to retain a felony commitment to the Department in the civil addict program or in the rare event that the committing court refuses to vacate the civil commitment, the status will remain a dual commitment.

These cases will not be eligible for release consideration by the NAEA until the BPT ordered parole revocation period has expired.

## **76010.8.1 Felony or Civil Addict Discharge**

The BPT's action discharging the felon case shall be posted to the CDC Form 112, Chronological History, in the felons C-file. A civil addict Cum Sum and C-file shall be completed. Actions affecting the resident's movement in and out of the institution, detainers and cancellations of same entered on the CDC Form 112 in the felony file shall be transferred to the civil addict file. The discharged felon C-file shall be sent to the designated region to be microfilmed then forwarded to the Archives Unit.

### **Felony/Civil Addict**

Upon the resident's release to custody of the sheriff of the committing county as an unfit subject for the civil addict program, CRC case records staff shall place a Hold for the Department. A copy of the court order and of the CDC Form 123, Body Receipt, shall be placed in the "N" number case file. The original shall be forwarded to the designated reception center to be placed in the felons C-file.

### **Daily Reports of Arrivals and Departures**

CRC case records staff shall make a notation on the Daily Report of Arrivals and Departures (DRAD) showing the discharge from the "N" number commitment(s) [and remaining on the departmental number (CDC number)]. The CDC Form 112, in the "N" number case file and the Control Card (CDC Form 144) shall also be posted to this effect.

## **76010.9 Unsuitability for Program**

The Director or designated representative may:

- Return persons charged with a crime and committed to the civil addict program to committing court as unsuitable for the program (W&I 3053).
- Order discharge from the civil addict program for persons not charged with a crime who prove unsuitable for confinement or treatment in the program (W&I 3109).

W&I 3053 provides for automatic termination of a civil addict commitment upon a subsequent felony conviction and a commitment to state prison pursuant to PC 1168 or 1170.

## **76010.9.1 Removal From Civil Addict Program**

Criteria for determining suitability for the civil addict program is set forth in W&I 3052.

## **76010.9.2 Procedure for Referring Cases to Committing Courts Pursuant To W&I 3053**

After the decision has been made by the Director or designee that a person is unsuitable or has been committed to state prison in another matter, a letter from the Warden or RPA shall be directed to the presiding judge of the superior court of the county of commitment. This letter shall set forth the reasons for the determination of unsuitability.

If a person has been committed from two or more different counties, letters shall be directed to each of the committing courts.

When the referral resulted from a subsequent commitment to state prison and the person is an outpatient, the receipt of a court order by CRC or regional case records staff vacating the civil addict commitment is sufficient documentation to discharge the commitment on departmental records.

- Entries shall be made on CDC Forms 112 and 144 and the DRAD to reflect the discharge. The date of the court order shall be recorded as the discharge date. On multiple commitment cases, the entries shall indicate "Discharged on Case #00000 and remains on #\_\_\_\_\_".
- Reception center and institution case records staff shall forward a copy of any removal orders, executed by the sheriff, to CRC or appropriate regional case records staff to ensure appropriate disposition of the civil addict commitment records.

When the referral resulted from a determination of unsuitability other than a subsequent felony commitment, the commitment(s) shall not be discharged until the person is removed from the Department's custody for further proceedings on the suspended criminal charges. Upon receipt of a court order and removal for

further proceedings, CRSs shall make an appropriate entry onto the CDC Forms 112 and 144 and DRAD to reflect the removal from custody and discharge on the civil addict commitment. On multiple commitment cases, the entry shall indicate "Discharged on Case #00000 and remains on #\_\_\_\_\_".

#### **76010.10 Transfers Of Civil Addicts**

Persons committed to the civil addict program shall be housed at CRC or institutions designated as branches of CRC.

Approval for transfer of a civil addict between institutions designated as CRC branches is delegated to the chief deputy Warden of the institution where the inmate is housed. A CDC Form 128-G shall be prepared by classification staff, recommending the transfer and the chief deputy Warden shall make the appropriate endorsement.

A limited number of northern county exclusion cases may be transferred to the northern reception center (NRC) to await completion of the exclusion process and return to the committing court. The approval of the CSR is required prior to such a transfer. This approval shall be documented on a CDC Form 128-G.

Transfer of a civil addict to CMF for medical reasons shall require the additional approval of CMF's CMO and the Chief, Classification Services.

The C-file, the slough file, health and educational files, CDC Form 103-B, and the CDC Form 144 shall accompany all civil addicts transferred to CRC branches.

#### **76010.11 Escape From Civil Addict Institution**

Pursuant to W&I 3002, escape from a facility for civil addicts is a felony.

Pursuant to PC 4530(c), escape from a temporary community release (TCR) is a felony.

##### **76010.11.1 Escape Procedures**

Departmental escape procedures shall be followed and a complaint shall be filed with the appropriate criminal justice agency pursuant to the appropriate section.

Upon notification of an escapee's apprehension, the CCRM shall place a Hold with the arresting agency for the Department pursuant to the existing civil addict commitment. Following prosecution of the escape charge, if sentenced to state prison, the civil addict commitment shall be referred back to the committing court as unsuitable. Discharge procedures shall be followed.

After an escapee has been at-large over one year and their whereabouts are unknown, an exclusion letter shall be prepared and forwarded to the court of commitment pursuant to W&I 3053. Upon completion of the exclusionary process, the information for the deleting of the Want is to be FAXed to the ID/Warrants Unit for the removal of the Want from the Wanted Persons System (WPS) and the Department Warrants Register

#### **76010.12 Readiness for Release Criteria**

The primary factor to be considered when a counselor is considering referral to outpatient status/parole is the resident's readiness for release to the community. In making this determination, the counselor shall take into consideration the following:

- Did the resident successfully complete the program outlined by the counselor, initial classification committee, or subsequent classification actions?
- Does the resident meet the criteria for certification to the NAEA?

The intent is to have the person meet the set expectations in a measurable manner and for this to be documented in chrono form for review by the certifier and the NAEA. The documentation is to provide the reviewer with the necessary data to evaluate the individual's readiness for release to the community.

#### **76010.13 Civil Addict Program/Expectations**

In accordance with W&I 3000, a person shall not be placed on referral status simply because they have completed a certain amount of program time but has not otherwise met the expectations set for them. Every effort will be made to encourage utilization of program opportunities. However if the resident refuses to program, they can and shall be kept in the program for control purposes and not be placed on referral status.

#### **76010.14 Scope Of Case Review Procedures**

Case review procedures are those to which the release readiness criteria will be applied and the individual evaluated for release consideration. The Case Summary format shall be utilized to report and document the residents' progress in C-file.

If both the CC-I and CC-II concur in a recommendation for release consideration, the summary, which will include the referral, shall be forwarded to the appropriate parole office for release program study investigation.

When the Warden or designee approves an early release, the information shall be relayed to the Parole Agent telephonically.

#### **76010.15 Director Certification**

The Warden or designee of CRC shall review the entire summary (including the RPS) and determine whether certification for release is in order.

If so certified, the case shall be placed on the next NAEA hearing calendar accompanied by an NAEA Board Order:

- Institution Calendar (CDC Form 360).
- Outpatient Releasee Limited Placement (CDC Form 362).
- Civil Addict Parolee Limited Placement (CDC Form 362-A).

If the NAEA concurs, dependent somewhat upon the specifics of the release plan, it is anticipated that the individual will be released within seven days following the decision of the NAEA board.

In the event the Warden does not feel certification is indicated, he/she shall state the findings on the NAEA hearing certification work sheet and return case responsibility to the CC-I. A duplicate copy of the work sheet shall be forwarded by the records office to the appropriate parole office.

If there is deterioration in the behavior and/or adjustment, the case shall be referred to the program unit classification for review.

#### **76010.16 Classification Committee/Responsibility**

If this committee recommends for release, referral procedures are initiated and the counselor shall complete the Referral to OPS/RPS worksheet. The date of the committee action and those participating on the committee shall be listed. The evaluative summary shall be listed and include the committee's evaluation.

If the resident is not considered ready for release, this committee establishes the next review date and returns case responsibility to the CC-I. The committee shall submit an evaluation and recommendation(s) for change(s) or addition(s) to the plan.

In the event that the program unit classification committee is split in its opinion, the case shall be referred to the Institution Classification Committee for final determination.

#### **76010.17 Annual Review by NAEA of Uncertified Cases**

W&I 3151 provides that if a case has not been certified "...within the preceding 12 months, in the anniversary month of the commitment of any person committed under this chapter, their case shall automatically be referred to the authority for consideration of the advisability of release in outpatient status..." It is the policy of the NAEA that review of such cases will be on an appearance basis, unless the case has already been referred for release consideration.

The material presented to the NAEA for this review shall consist of the Cum Sum, complete with all previous staff reviews and recommendations. In addition, a summarization and evaluation of the case shall be prepared and added to the Cum Sum.

All cases in the civil addict program, including those in out-to-court and escape status, shall be reviewed by the NAEA in the anniversary month of their receipt by the institution. Cases unavailable for personal appearance shall be presented in absentia.

#### **76010.18 CYA Wards**

By law, CYA wards must appear before the CYA Board at the end of one-year following reception by CYA, if not certified earlier. A report shall then be completed with recommendations for the CYA Board. The annual review report shall be used for this purpose.

A CYA case shall not be referred to the CYA parole division until ordered by the CYA board.

#### **76010.19 Recertifying Cases Denied by NAEA**

If a case has been denied release, it shall be considered for recertification when the counselor is satisfied that a significant behavioral change has occurred but no earlier than 60 days from the date of the last release hearing unless approved by the Warden.

#### **76010.20 Release Return Report**

Whenever a releasee is returned to CRC, the field agent's report and evaluations of the circumstances shall become a part of the summary.

#### **76010.21 Limited Placement Cases/P&CSD Notification/Patient Appeal Rights**

Limited placement cases shall be submitted to the NAEA prior to the 60-day delimiting date on a Limited Placement Classification/Referral Summary (CDC Form 1139) prepared by the counselor.

Certification decisions regarding limited placement cases shall include the recommendations of the field agent assigned to the case and whether the inmate was of "gate-turn-in status".

If limited placement status is removed for any reason, the appropriate field agent shall be notified of the action as soon as possible.

Denial of limited placement shall have the concurrence of the CC-II and the captain. This decision may be appealed by the individual.

#### **76010.22 NAEA Personnel, Rules and Responsibility**

Members of the NAEA are appointed by the Governor and by law are given responsibility for conducting hearings to consider the advisability of releasing individuals committed to the civil addict program to outpatient status/civil addict parole. The rules and manner in which these responsibilities are carried out are contained in CCR (15) (5) as well as the Administrative Directives (ADs) of the board.

The NAEA board has the following specific responsibilities:

- Cases reviewed annually from date of arrival at CRC for release consideration.
  - New commitment.
  - Outpatient returnee.
  - Civil addict parolee returned TFC.
- Conduct P&CSD hearings to review the cases of outpatients/civil addict parolees to determine whether the individual should be returned to the institution or retained in outpatient/civil addict parole status.
- To issue an Oral Order of Return, (CDC Form 1607) which may be made by a single member of the NAEA, suspending the release/parole status of an individual, when the facts indicate an immediate return to the institution is necessary, prior to a regularly scheduled NAEA board hearing.
- Recommend discharge from the civil addict program for those persons who have successfully completed outpatient status and discharge individuals who successfully complete parole.

#### **76010.22.1 Institutional Hearing Liaison**

The C&PR is the liaison for the NAEA and the institution staff and shall be familiar with the NAEA rules and Administrative Directives which pertain to internal procedures. The C&PR shall coordinate the hearings.

If the NAEA board members take any action that conflicts with policy, the C&PR shall call the discrepancy to the members' attention.

If complex issues need clarification, the C&PR or the assistant C&PR shall be contacted.

The resident's counselor shall attend the NAEA hearing whenever possible, to provide information which may have developed since the referral, clarify information in the C-file or answer questions that may arise concerning the individual or institution policy.

#### **76010.23 NAEA Hearings**

Institution and any other relevant reports shall be provided to the NAEA for the following types of hearings:

- Release hearing.
- Annual review hearings.
- Rescission hearings.

#### **76010.23.1 NAEA Hearing Room Accommodations**

Hearing rooms shall be as quiet and comfortable as possible. Paper, pencils, vote sheets, reference materials, other official documents and necessary supplies shall be available in the hearing rooms. Cold drinking water will be available. All aspects connected with the mechanics of the hearing shall be attended to so that the members of the NAEA can devote their full attention to consideration of the cases presented.

#### **76010.23.2 Scheduling**

Scheduling shall be accurate, with NAEA members being informed in advance of any deviations from the schedule. Relevant case materials shall be available for reference.

#### **76010.23.3 Visitors**

Visitors shall not attend NAEA hearings, except as authorized by the chairperson or their designee.

#### **76010.24 Case Records Preparation for NAEA Hearings**

Prior to an NAEA board hearing, case records staff shall prepare an addenda folder, for each resident, with the following material from the C-file:

- Current Work Supervisors Report (CDC Form 101) or Educational/Vocational Chronos (CDC Forms 128-D, E, F and/or L).
- Urine Analysis Report (UA).
- Confirmation of the Civil Commitment Education Program consisting of 120 hours.
  - Thirty hours of physical fitness recorded on a CDC Form 128-B.
  - Ninety hours of classroom participation recorded on a CDC Form 128-D.
- Medical clearance stated on a CDC Form 128-C.
- Institution Appearance Evaluation Sheet (CDC Form 279-L) on prior hearings, if applicable.
- CDC Form 115 (if applicable).
- Review of certification prepared by counseling staff.
- CDC Form 1139.

##### **Addenda Folder**

The addenda folder shall also contain:

- Two Cum Sums.
- CDC Form 279-L.
- NAEA Board Order, whichever is applicable:
  - CDC Form 360.
  - CDC Form 360-A, Annual Review Calendar.
  - CDC Form 361, Institution Calendar, Rescission Hearing.
  - CDC Form 362.
  - CDC Form 362-A.
- Condition of Release (CDC Form 1515-L).

#### **76010.24.1 Case Records Responsibility Following NAEA Hearings**

Immediately following the hearings, case records staff shall post the NAEA board actions to the CDC Forms 112 and 144.

The applicable NAEA Board Order shall be distributed as follows:

- Original to C-file.
- NAEA.
- Resident.
- Parole agent.

The material in the addenda folder shall be refiled in the C-file by CRSs immediately after the hearing.

Case records staff shall type the NAEA board results on the CDC Form 244-B, NAEA Minute Sheet. The minute sheet is retained at NAEA headquarters.

#### **76010.25 Forms Used By NAEA**

Forms used by NAEA include, but are not limited to:

- CDC Form 244-B, NAEA Minute Sheet, (retained at NAEA Headquarters located at CRC).
- CDC Form 279-L, Institutional Appearance Evaluation Sheet.
- CDC Form 341, Certificate of Discharge and Release.
- CDC Form 342, Certificate of Discharge and Release.
- CDC Form 343, Recommendation and Certificate of Discharge.
- CDC Form 344, Recommendation and Certificate of Discharge.
- CDC Form 344-A, Recommendation and Certificate of Discharge.
- CDC Form 360, NAEA Board Order-Institution Calendar.
- CDC Form 360-A, NAEA Board Order-Annual Review Calendar.
- CDC Form 361, NAEA Board Order-Review of Previous Board Order.
- CDC Form 362, NAEA Board Order-Confirmation of Oral Order (Outpatient Violator).
- CDC Form 362-A, NAEA Board Order-Confirmation of Oral Order (Parole Violator).
- CDC Form 919, NAEA Conditions of Parole.
- CDC Forms 1085 through 1093, Outpatient/Parolee Violation forms.
- CDC Form 1515-L, NAEA Conditions of Release.
- CDC Form 1521, Report to NAEA.
- CDC Form 1607, Oral Order of Return.
- CDC Form 1608, NAEA Board Order-P&CSD (Outpatient/Civil Addict Parolee) Calendar.
- CDC Form 1628-A, NAEA Report.

#### **76010.26 Release On Outpatient Status/ Civil Addict Parole**

Persons committed to the civil addict program shall be certified and referred for release consideration to the NAEA.

### **Annual Review**

Any person (whether a new commitment or an outpatient/parolee returned to CRC or CRC branch) who has not been certified within the preceding 12 months shall be scheduled for a personal appearance before the NAEA for release consideration to OPS/civil addict parole.

### **In Absentia Hearing**

In absentia hearings may be held for:

- Individuals on release referral status.
- Individuals unable to attend a hearing.
- Individuals on escape status.
- Confirm oral order of return.

### **Certification**

Upon proper certification by the Warden or their designee of the individual's readiness for release, the individual shall appear before the NAEA. The appropriate vote sheet shall be prepared.

Any person committed pursuant to W&I 3051 (amended statutes September 17, 1981) who has spent a period of confinement/custody (excluding time spent on OPS, equal to that which he or she would have otherwise spent in state prison had sentence been executed, including application of good behavior and participation credit) shall upon reaching such accumulation of time, be automatically released on civil addict parole under the jurisdiction of the NAEA.

#### **76010.26.1 Persons Placed On Felon Parole Pursuant To PC 1170(2)(a)**

When a person is placed on felony parole under the jurisdiction of the BPT, the following procedure shall be followed:

- To minimize the delay in transmitting information to P&CSD when these individuals are placed on felony parole, immediately upon receipt of the Minute Order from the court, the CCRM at CRC shall forward this document to the CCRM at the appropriate regional case records office. Copies of CDC Form 343 (DOM 80000), Recommendation and Certification for Discharge, shall also be forwarded. P&CSD shall track the court actions for these cases to determine when placement on felony parole is ordered.
- The unit supervisor or designee shall request a copy of the Minute Order and Abstract of Judgment from the court or CRC case records, if the person was released from facility custody as a result of a court action. The CDC Form 138, Cum Sum, and photograph shall be requested from facility records. If the person was on active nonfelony parole when the commitment was vacated and the person was put on felony parole, the current C-File shall have the documents.
- When requested documents are secured, two copies of each document shall be prepared.
  - The original certified court documents shall be sent to regional case records.
  - One copy of the documents shall be retained in the field file.
  - Regional case records shall contact ID/Warrants Unit by telephone for a felon ID number, and advise the respective parole unit of the following information:
    - CDC number.
    - Date of issue.
    - Court sentencing date (placing case into active status).
    - Discharge information and review date.
- Regional case records shall then send a FAX to the ID/Warrants Unit providing the person's name, former "N" number, the parole unit to which the person is assigned, the effective date of the action that placed the person on parole and the new felony ID number of the person.

### **In Re Morales**

If an active, non-felony outpatient, under supervision in the community or in local custody, is placed on felon parole by the court as a result of an In re Morales review, which discharged the civil commitment, but placed the person on felony parole, the procedures shall be:

- The parole unit supervisor shall assign the case to a Parole Agent in the unit. The parolee shall sign a CDC Form 1515 as evidence of parole status. The existing "N" number unit file shall become the felony C-File.
- Regional records shall be notified that a former civil addict by name and "N" number is now a felony parolee. If the parolee petitioned for a review under In re Morales, regional case records shall obtain a copy of the court's Minute Order or Abstract of Judgment placing the person on parole. Regional case records shall contact ID/Warrants Unit and follow the same process as above.

#### **76010.26.2 Persons Placed On Civil Addict Parole Under the NAEA**

For inpatients who reached their maximum custody/PED:

- Case records shall recompute the time.
- The outside of the C-File and the Cum Sum shall be marked "Civil Addict Parolee."

For outpatients who reached their maximum custody/PED:

- The CDC Form 919, Civil Addict Conditions of Parole shall be completed including any special conditions and distributed as follows:
  - Original to C-File.
  - Parole agent.
  - Parolee.
- CRC CRS's shall recompute the time.

#### **76010.26.3 Records Disposition**

Within five working days following release of an individual to OPS/civil addict case records staff shall:

- Post CDC Forms 112 and 144.

The slough file shall contain at least two copies of the Cum Sum. The C-File shall include the CDC Form 144 and three photos.

The C-File shall be retained at CRC until discharge, at which time it shall be processed as in DOM 71020.5.4.

#### **76010.27 Responsibility for Obtaining Oral Order**

When an outpatient/parolee surrenders to CRC or CRC branch without the agent's knowledge on a weekend or legal holiday and the next day is not a working day, facility staff shall be responsible for contacting an NAEA member to request an oral order of return.

At all other times, the Parole Agent's supervisor shall contact the NAEA member to request an oral order. If the outpatient/parolee surrenders during normal working hours without the Parole Agent's knowledge, facility staff shall obtain all pertinent information and notify the appropriate Parole Agent or unit supervisor who shall contact the NAEA member requesting the oral order of return.

In the event an oral order of return or Releasee-at-Large (RAL) is obtained by P&CSD staff and circumstances develop which require that the order be rescinded, the Parole Agent shall submit a report to the NAEA indicating the reasons and requesting that action be taken. In the event a duplicate oral order is obtained by facility staff at the time the outpatient/parolee surrenders at the gate and the oral order has not been confirmed, no further action on the part of the NAEA is necessary. The date, time, and NAEA member who granted the request, as well as the reasons, shall be noted on the original copy of the CDC Form 1607.

Upon return of an individual from OPS/parole, the case file shall be updated and the Cum Sum revised in accordance with DOM 76010.5.1.

##### **Case Records**

The CCRM shall enter the appropriate data on the CDC Form 112, indicating NAEA actions.

- Suspending releasee/parolee status.
- Date of return to the facility.
- At-large time.
- Recalculate discharge date.

The legal page of the Cum Sum shall reflect the new discharge date and updated "custody time remaining" in accordance with DOM 76010.5.1 or if a person is a civil addict parole violator, the maximum eligible parole date shall be added.

#### **76010.28 Return From OPS/ Parole**

A civil addict may be returned from OPS/parole as a technical violator, as a voluntary return, or with an additional civil addict commitment from the courts.

##### **76010.28.1 Voluntary Return**

Civil addicts may turn themselves in to the facility (CRC only) requesting return to inpatient status.

During regular working hours, the CCRM shall be notified upon arrival of the resident at the gate. If it is after regular working hours, the CCRM shall be notified at 8:00 a.m. the next regular working day.

##### **Case Records**

The CCRM shall:

- Ascertain the resident's number of custody days remaining, PED, etc., by contacting the regional CCRM.
- Determine whether an oral order has been obtained. If not, contact the Parole Agent.

##### **Parole Agent**

The Parole Agent shall obtain the oral order and notify the regional CCRM.

##### **Case Records**

The regional CCRM shall:

- Notify the facility CCRM.
- Post the CDC Forms 112 and 144.
- Cancel the Want if one is outstanding.
- Forward the files immediately to CRC.
- Place the case on the next NAEA calendar for action "continue of oral order of return."

#### **76010.29 Limited Placement Return Policy**

Outpatients and civil addict parolees may either voluntarily return or be involuntarily returned to CRC for a limited placement of up to 60 days for the purpose of detoxification, meeting special program needs, or dealing with cooperative cases whose behavior is deteriorating. Limited placement status is a privilege and may be removed by reclassification by CRC staff if there is a difference of opinion between the NAEA and the counselor, or if the civil addict's behavior is not conducive to limited placement. A limited placement return case must be recommended for limited placement by a CRC classification committee and subsequently granted a release date by the NAEA in order for confirmation to occur.

The unit supervisor of the assigned parole unit shall obtain the oral order of return (an NAEA member shall be contacted for an oral order between 8:00 a.m. and 10:00 p.m. unless an emergency arises). Both the assigned Parole Agent and the assigned counselor share the responsibility for development and implementation of a limited placement program plan while the case is at CRC.

##### **76010.29.1 Limited Placement Return Eligibility Criteria**

Limited placement denial shall occur if a case does not meet eligibility criteria or if an outpatient or civil addict parolee accumulates disciplinarys at CRC.

In order to be accepted for limited placement, an outpatient or civil addict parolee [including RALs or Parolees-at-Large (PALs)] must:

- Have no felonious criminal involvement other than illegal drug use.
- Either turn themselves in at CRC gate or surrender to the Parole Agent.
- Be recommended for limited placement by a CRC classification committee and granted a release date by the NAEA.

If the outpatient or civil addict parolee did not surrender or volunteer to return to CRC for limited placement, they must have cooperated with the Parole Agent and the Parole Agent shall indicate the outpatient or civil addict parolee does not require a lengthy stay at CRC in order for the case to be accepted for limited placement.

#### **76010.30 Suspend/Return Cases**

Upon receipt of a suspend/return report and a "Bye" hearing package from the parole unit, case records staff shall:

- Post on the CDC Form 112, the resident's/parolee's decision regarding a Bye hearing.

- Type resident's/releasee's decision regarding a "Bye" hearing on the NAEA Board Order-P&CSD [Outpatient/Civil Addict Parolee) Calendar, and the CDC Form 1608, Vote Sheet.
- Forward the complete "Bye" hearing package, violation report, addenda material, and updated Cum Sum to CALPU at CRC.

#### **76010.31 Oral Orders Obtained**

The parole unit office shall notify the regional case records office immediately following receipt of an oral order and shall also advise them of the releasee's/parolee's decision regarding a "Bye" hearing.

#### **76010.31.1 Region Case Records Staff**

Upon being advised of an oral order, case records staff shall:

- Prepare the CDC Form 1608.
- Post the CDC Form 112, "Oral Order Obtained on DATE from MEMBER."
- Pull and place the CDC Form 144, in the C-File.
- Obtain a complete up-to-date Cum Sum attaching a copy of the CDC Form 1608. This material shall be used at the NAEA hearing.
- Place the case on the next NAEA calendar for confirmation.
- Limited placement oral orders shall be confirmed at CRC hearing calendar.

#### **76010.32 Process Cases For Bye Hearing**

The provisions of the California Supreme Court case, In re Bye, extended certain hearing rights on alleged revocation of OPS/civil addict parole to the civil addict program.

If the releasee/parolee desires a hearing or refuses to sign the "Bye Papers," the action shall be referred to CALPU at CRC.

With the exception of voluntary returns, two Cum Sums shall be updated, one to remain in the C-file and the other to be forwarded to the NAEA calendar.

The regional CCRM shall make sure that a current Violation Report Fact Sheet, (CDC Form 1521), accompanies each case to be presented to the NAEA calendar.

#### **76010.33 Suspended RAL/PAL**

Suspended RAL/PAL reports with vote sheets attached shall be presented to the NAEA calendar.

After the NAEA has taken action on the RAL/PAL report, a Want shall be issued effective the date of the NAEA action.

The case shall be classified as either an exclusion category I or II and this classification shall be included in the violation report.

Example:

- Category I. Cases shall be reviewed for exclusion no later than six months after the date of suspension.
- Category II. Cases shall be reviewed for exclusion when they have been in RAL/PAL status for 12 months. A pending file, by month, shall be maintained for RAL reports. A copy of the report shall be filed in the current month.

Further:

- Category I cases shall be pulled within five months to notify the agent and the appropriate superior court(s) that the releasee/parolee shall be RAL/PAL six months on (date).
- Category II cases shall be pulled within 11 months to notify the agent and the appropriate superior court(s) that releasee shall be RAL 12 months on (date).

#### **76010.34 NAEA/P&CSD Calendar Order**

Cases presented to the NAEA on the P&CSD calendar shall be in order as follows:

- Confirm oral order of return (Include remove RAL/PAL if applicable).
- Suspend - return (Include remove RAL/PAL if applicable).
- Suspend - return with new commitment.
- Suspend - reinstate (Include remove RAL/PAL if applicable).
- Continue on OPS/civil addict parole.
- Suspend - RAL/PAL.
- Remove RAL/PAL status.
- Defer pending adjudication.
- Miscellaneous order.
- Discharge from parole (civil addict).
- Recommend discharge (outpatient).

#### **Calendar List**

A typewritten list of those persons scheduled, in calendar order, shall be prepared.

#### **NAEA Board Order**

A CDC Form 1608 shall be prepared for each resident scheduled on the calendar and stapled to the front of one copy of the NAEA board report.

#### **Institution Appearance Evaluation Sheet**

A copy of any CDC Form 279-L, which was prepared at a release calendar postponing release, shall be included in the hearing packets.

#### **76010.34.1 Contents Of Hearing Packets**

The hearing packet for the chairperson shall contain:

- Copy of calendar list.
- NAEA board reports.

- Prior CDC Form 279-L (if applicable).
- CDC Form 1608 (vote sheet).

The hearing packet for the RPA shall contain:

- Copy of calendar list.
- NAEA board reports.
- Prior CDC Form 279-L (if applicable).

The hearing packets shall be enclosed in a manila envelope in calendar order.

#### **76010.34.2 Processing Vote Sheets**

Immediately upon receipt of the signed CDC Form 1608, CRSs shall:

- Post CDC Form 112.
- Post CDC Form 144.
- Distribute copies of the CDC Form 1608 as follows:
  - Original to C-file.
  - Copy 1 to NAEA.
  - Copy 2 to Parole agent.
  - Copy 3 to Parolee/releasee.

#### **76010.35 Outpatient Exclusions Unsuited**

When the decision is made by P&CSD to exclude a releasee from the civil addict program, the unit supervisor shall forward the exclusion letter and closing case conference to the CCRM. The unit supervisor shall send a notification letter to the outpatient/civil addict parolee advising them of the plan to exclude.

After the exclusion letter has been proofread and legal data verified, the letter shall be forwarded to the RPA for approval.

Upon receipt from the RPA, the exclusion letter shall be retained for 15 calendar days to allow time for the releasee to file an appeal.

If an appeal is not received by the end of the 15th calendar day, the CRSs shall make the following distribution:

- Original and one copy to the committing superior court, along with the updated Cum Sum. If there is more than one county of commitment, a letter shall be prepared for each county, with a copy of the letter to the other committing counties.
- Copy to DA of the county of commitment.
- Copy to the supervising Parole Agent.
- Copy to C-file.
- Copy to pending file.

An exclusion recommendation based upon unavailability for reasons of deportation or for a felony commitment to prison is not appealable.

When the superior court provides a certified copy of the Minute Order, vacating the commitment, the original shall be retained in the C-file and one copy forwarded to the Parole Agent.

#### **76010.36 Outpatient Exclusions Resulting From State Prison Commitment**

If the exclusion is a result of a releasee receiving a felony commitment to state prison, the procedure above shall apply.

In addition, a copy of the Cum Sum and a copy of the CDC Form 112 shall be forwarded to the appropriate reception center case records office.

The CCRM in the reception center shall forward a copy of the court removal order and a copy of the body receipt to the CCRM of the parole region when the releasee is taken out-to-court for further proceedings on the criminal charges.

The civil commitment shall be discharged from OPS on the date of the removal order.

In addition to the above listed documents, a copy of the certified Minute Order from the court shall be forwarded to the appropriate reception center.

The civil addict case may be discharged on either the Minute Order or the documents from the reception center, whichever is received first.

#### **76010.36.1 Processing L.A. County Exclusionary Cases**

When sending an exclusionary package to Los Angeles County DA's (LADA) Office, it will expedite matters to address the material to the appropriate LADA's office as determined by the superior court case number.

#### **76010.37 Outpatient Early Discharge**

Upon receipt of a board report from the parole unit, the CCRM shall ascertain that the discharge time is correct by auditing the previous actions on the CDC Form 112. The time period begins as of the date of release to OPS/parole or reinstatement, whichever occurs last.

To qualify for early discharge:

##### **Commitment Offense Prior to 7-29-80**

- An outpatient committed to civil addict program pursuant to W&I 3050 or 3051 whose offense occurred prior to July 29, 1980, must abstain from narcotics and otherwise comply with the conditions of release for 24 consecutive months. If the individual is participating in a methadone maintenance program, this time frame is extended to 36 consecutive months.

##### **Commitment Offense On or After 7-29-80**

- Outpatients committed to civil addict program pursuant to W&I 3050 or 3051 for a period of 24 months or less whose offense occurred after the enactment of SB 1878 (effective July 29, 1980) must abstain from narcotics and comply with the conditions of release for 12 consecutive months (W&I 3200).
- Outpatients committed under W&I 3051 for more than 24 months must abstain from narcotics and comply with the conditions of release for 16 consecutive months (W&I 3200).

Two Cum Sums shall be updated; one shall remain in the C-file and the other shall be forwarded to the NAEA calendar with the following:

- NAEA board report.

- CDC Form 1608.
- CDC Form 343 for W&I 3051 and 3051 commitments.
- CDC Form 342 for W&I 3100 and 3100.6 commitments.

If the NAEA acts favorably regarding the recommendation for discharge, the original discharge certificate and two copies, accompanied by a cover letter for each, shall be attached to an updated Cum Sum and referred to the committing court in the case of W&I 3050 and 3051 commitments.

One copy of the cover letter shall be mailed to the DA, one copy to C-file, and one copy to the appropriate parole unit.

#### **76010.38 W&I 3100 Discharge**

If an outpatient is committed under W&I 3100 or 3100.6 (no crime), the CDC Form 342 (DOM 80000) shall be completed and submitted to the RPA for approval. The above procedure shall apply, with the exception of forwarding the CDC Form 342 to the committing court. Favorable action by the NAEA acts as a discharge.

#### **76010.39 Civil Addict Parolee Early Discharge**

Individuals in this category must abstain from narcotics and otherwise comply with the conditions of parole for one year continuously or must have been under continuous parole supervision without interruptions, including OPS, for 16 months, whichever occurs first.

#### **76010.40 Discharge For Felony Commitment**

Upon receipt of a court order reflecting that the civil addict commitment has been vacated, the case records staff shall make appropriate entries on the CDC Form 112 indicating the discharge.

When all W&I commitments have been discharged, the records shall be retained at CRC six months, then forwarded to the assigned region to be microfilmed prior to being forwarded to the Archives Unit.

#### **76010.41 W&I 3109 Discharge**

The W&I 3109(a) institution exclusion or W&I 3109(b) new felony commitment shall be discharged upon receipt of a court order.

#### **76010.41.1 Expiration of Commitment W&I 3100**

Fifteen days prior to expiration of 12-month commitment, the CCRM shall prepare and sign the CDC Form 341 (DOM 80000). Signature by the CCRM acts as a discharge.

Distribution of the CDC Form 341:

- Original to dischargee.
- Copy to parole unit (if applicable).
- Copy to C-file.

#### **76010.41.2 Expiration of Commitment W&I 3201**

Forty-five days prior to expiration of commitment, the CCRM shall forward to the units a list of all persons scheduled for discharge, requesting a closing case summary.

Thirty days prior to the discharge date, the CCRM shall prepare a CDC Form 344-A (DOM 80000).

The RPA shall approve and sign the certification for the Director.

The CCRM shall forward the original and five copies, along with an updated Cum Sum, to the committing court(s) for further proceedings on the suspended criminal offense(s). For multiple commitments, a Cum Sum and copy of the certificate of discharge shall be sent to each committing court.

Upon receipt of the CDC Form 344-A signed by a judge of a superior court(s), case records staff shall make the following distribution:

- Original to parolee.
- Copy to parole unit (if applicable).
- Copy to C-file.

The CDC Forms 112 and 144 shall be posted to reflect discharge effective the date of the expiration of commitment. The discharge date shall be input into OBIS.

#### **76010.42 Methadone Maintenance Program**

The W&I 3200 provides that an outpatient may be discharged if they have abstained from the use of narcotics for at least two consecutive years; or is in a methadone program and has abstained from the use of narcotics for at least three consecutive years while in such program. W&I 3154 provides that participation in a methadone maintenance program shall not be construed to break the abstention from the use of narcotics referred to in W&I 3200.

Being in or having been in a methadone program extends the time for discharge eligibility to three years; dropouts from the methadone program do not affect the discharge target date if the releasee remains drug free.

The three-year period starts on the date of the person's release to OPS or reinstatement, whichever occurs last.

An outpatient may be discharged if they have abstained from the use of narcotics (as in DOM 76010.15) for periods of time pursuant to W&I 3200 (amended Statutes, July 1980).

#### **76010.43 Revisions**

The Deputy Director, Institutions Division, or designee shall ensure that the content of this section is accurate and current.

#### **76010.44 References**

W&I §§ 3000; 3100; 3050; 3109; 3051; 3200; 3052; 3201; 3053; 3301

PC §§ 4530(c).

CCR (15) (5), NAEA.

## **ARTICLE 23 — CYA WARDS**

*Effective September 26, 1989*

### **76020.1 Policy**

CYA wards may be accepted for placement in the Department pursuant to PC 2037 and Welfare and Institution Code (s) (W&I) 1731.5 and 1755.5.

Inmates under the age of 21 years sentenced to the Department may be transferred to CYA to serve their commitments pursuant to W&I 1731.5(c).

In cases other than "court ordered", the director of CYA and/or The Director may require a "Director's Agreement" prior to transfer of wards or inmates between departments.

### **76020.2 Purpose**

This section provides instructions for the processing of CYA wards in Department facilities and the transferring of Department inmates to CYA.

### **76020.3 Placement Requests**

A request for transfer of a CYA ward or a Department inmate shall be initiated by the Director or their designee of the requesting department.

- Requests for a CYA ward placement in a Department facility pursuant to W&I 1755.5 and 1755.5(c) shall be reviewed by the Departments' Classification Services section.
- Classification Services shall process CYA orders placing wards at DVI pursuant to PC 2037 without delay.

The Chief, Classification Services shall review and recommend approval/denial of each case. Upon notification the Chief, Classification Services shall notify the CYA pursuant to the following:

- Whether the case is accepted or denied.
- Reasons for denial (if applicable).
- Reasons for any delay in transfer of more than ten working days.

### **76020.4 Acceptance Documents**

Upon approval, CYA wards transferring to Department institutions shall be accompanied by the following documents:

- A copy of the CYA Form 1.310, YOPB Order, directing the transfer.
- The parole district case folder containing documents concerning the ward (if applicable).
- A case summary (Cum Sum) with a photograph.
- The wards C-File containing all relevant information.

### **76020.5 Placement of CYA Wards in the Department**

Classification Services shall review all information available and place CYA wards who are not juvenile court commitments under PC 2037 at one of the following approved facilities:

- CMF.
- CTF.
- CIM.
- DVI.
- CIW.
- CRC (over age 18 only).

Normally, such placement for males shall be DVI and CMF. Wards whose paramount problem is narcotic involvement shall be placed at CRC.

Wards committed to the Department pursuant to PC 2037 shall be placed at DVI.

### **76020.5.1 Records Maintained**

Case records shall prepare and maintain the following records:

#### **Fingerprints**

- One copy of CDC Form 138, Fingerprint Card, on all CYA wards except those received by transfer from another departmental institution. File this card in the C-file.
  - The only number on the card shall be the CYA number.
  - The card shall show the same entries as indicated in the DOM 72020.4.3 in the space provided for "county", "crime", and "crime and term".

#### **Photographs**

- Photographs as indicated in DOM 72020.4.4 except:
  - Use the word "CALIFORNIA" on the first line of the number card on photographs instead of "CALIFORNIA PRISON". Show the CYA number.

#### **C-file**

- C-files in accordance with instructions pertaining to departmental commitments.

### **76020.5.2 CYA Wards With a Department Prison Term**

#### **Case Records**

If a consecutive (CS) state prison commitment is received on a CYA ward, case records staff shall:

- Notify CYA of the CS prison commitment.
- Place a Department detainee, if the ward goes out-to-court for discharge on the CYA commitment specifying upon completion of the court hearing, the county shall deliver the inmate to a Department reception center for processing.

When a CYA ward receives a concurrent (CC) prison commitment, case records staff shall:

- Notify CYA of the commitment.

- Request a departmental identification number (CDC number).
- Request immediate transfer of the ward to a Department reception center for processing.

#### **76020.5.3 CYA Board Hearings**

Follow the CYA Board manual for procedures to conduct YOPB hearings.

#### **76020.5.4 Escape/Disturbance Serious Disciplinary Violations**

If a CYA ward is involved in an escape or serious disturbance, send two copies of the report made for the Director to the CYA, Attention: Clerk's Office, 4241 Williamsborough Drive, Sacramento, CA 95823. These shall be in addition to the copies sent to the Director or other departmental institutions.

If a ward is found guilty of any serious offense or conduct requiring placement in a SHU notify appropriate CYA staff. Departmental staff may refer the case to the DA's Office for prosecution or recommend that CYA consider returning the ward to court.

#### **76020.5.5 Emergency Transfers**

Transfer CYA wards only upon authorization of the CYA, except under emergencies. General emergency transfer provisions apply to CYA wards.

Direct requests for emergency medical/psychiatric transfers, to the Case Records Services Specialist of the Population Management Section of the CYA.

When an emergency transfer of a CYA ward is for the security and safety of the institution, the superintendent or their designee shall notify the Director/Chief Deputy Director or the Deputy Director, Institutions; who shall coordinate with the Case Records Services Specialist, CYA, to make arrangements for the review and authorization for transfer.

#### **76020.5.6 Release**

The assigned CYA Parole Agent shall handle the release of CYA wards. At the time of release, case records staff shall forward prerelease/field file to the appropriate CYA parole unit and the C-file to the designated regional case records office.

#### **76020.6 Court Placement of a Department Commitment in CYA**

The court may commit certain felons who were under the age of 21 years at the time of their apprehension with actual housing in a CYA facility. CYA may accept the case or refer it back to the court for resentencing.

This placement shall be solely for the purpose of housing and participation in available CYA programs. The inmate, in all other respects, is under the jurisdiction of The Director and the BPT.

##### **76020.6.1 Transfer of a Department Inmate to CYA**

Transfer of any inmate under 21 years of age to CYA, by the Director with the approval of the Director of CYA pursuant to PC 1731.5(c) shall meet but is not limited to the following criteria:

##### **Criteria**

- The inmate is unable to cope in the Department's general population.
- The inmate voluntarily signs a CDC Form 128-B, General Chrono, indicating their desire to transfer to CYA and acknowledging an understanding of CYA's structure and program.

#### **76020.7 Processing Transfers**

Institutions shall refer transfer agreement cases meeting the proper criteria to the Chief, Classification Services for review and forwarding for approval of the directors of CYA and the Department. Such referrals shall include:

- A memorandum endorsed by the Warden indicating significant case factors and reasons for the proposed transfer.
- The inmate's Cum Sum.
- The inmate's next scheduled board date, if applicable.
- The latest BPT report and preboard psychiatric evaluation, if applicable.
- The current medical and dental reports (CDC Form 128-C).
- A current photograph.

Classification Services shall notify the requesting institution of the referral's approval or denial in writing. The Chief, Classification Services, shall coordinate the actual transfer with the transportation unit (of the Department) and notify the institution of the date and time of the projected move.

#### **76020.8 Department Inmates in CYA Facilities**

Inmates transferred to CYA shall remain with CYA until:

- The Director of CYA orders their return to the Department.
- Released on parole.
- Discharged on their commitment.
- Returned to the Department upon their 25th birthday.

**Note:** An inmate being transferred to CYA shall be given the opportunity of reviewing their C-file prior to transfer.

##### **76020.8.1 Programs/Responsibility**

While housed in a CYA facility, Department inmates shall:

- Use the CYA ward's grievance procedure for any appeals.
- Have access to all available CYA programs, assignments, and medical/dental services.
- Be subject to CYA's Disciplinary Decision Making System (DDMS). CYA shall use the Department, Disciplinary Credit Loss Schedule when assessing a credit loss.
- Be given all credits and restoration opportunities as afforded all Department inmates.

##### **76020.8.2 Escapes**

CYA shall be responsible for initiating escape procedures when a Department inmate escapes from a CYA facility. Such procedures shall include:

- Notifying the Department's Law Enforcement and Investigations Unit by the Headquarters ID/Warrants Section.
- Notifying the Departments' LPU (LPU).

- Alerting the Department if the escapee is a public interest case.

Upon apprehension of the inmate, CYA shall:

- Return the inmate to a CYA facility.
- Determine if the inmate shall be prosecuted and if they shall be transferred to the Department.

#### **76020.9 Process of Maintaining Records**

The Department's LPU is the hub institution and shall maintain the inmate's C-file while they are at CYA. Upon transfer of an inmate to CYA, case records staff shall forward the C-file to LPU.

- Each inmate without an existing CDC number shall be issued a departmental identification number upon acceptance by CYA.
- Headquarters OISB is responsible for commitment and movement data entry into OBIS until the release, return to the Department, or parole of the inmate. OBIS shall show the location of inmates in CYA facilities as SACCO (Sacramento Central Office), secondary unit, CYA/LPU.
- LPU is responsible for the entry of time collection and IW/TIP credits into OBIS.

Upon an inmate's release, parole or return to a Department facility, LPU shall forward the C-file to the appropriate institution or parole region. Any subsequent return of the inmate to custody shall be to a departmental facility.

CYA shall be responsible for forwarding all documents regarding these inmates to LPU.

#### **76020.10 BPT Hearings**

LPU staff shall contact the BPT Scheduling Unit to determine board dates for inmates at CYA.

All required reports and documents shall be available for the Board hearing.

#### **76020.11 Prerelease**

CYA shall follow the Department's prerelease referral procedures for Department inmates nearing their Minimum Eligible Parole Date (MEPD)/ Earliest Possible Release Date (EPRD).

#### **76020.12 Parole**

Department inmates housed in CYA facilities are paroled to CYA parole supervision and the CYA file shall be forwarded to the parole unit. If an inmate reaches the age of 25 prior to discharge, the Department will assume supervision.

LPU shall forward the C-files on these inmates to the appropriate Department regional case records office.

#### **76020.13 Parole Violator Housing**

Department reception centers shall process "returned to the Department" parole violators who had been serving their term and were paroled from a CYA facility.

#### **76020.14 Revisions**

The Deputy Director, Institutions Division, shall ensure that the content of this section is accurate and current.

#### **76020.15 References**

W&I §§ 1731.5 and 1755.5.

PC § 2037.